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**Legislative Assembly  
of Ontario**

Second Session, 38<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Deuxième session, 38<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 11 October 2006**

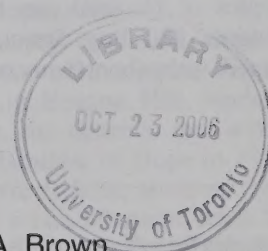
**Mercredi 11 octobre 2006**

Speaker  
Honourable Michael A. Brown

Clerk  
Claude L. DesRosiers

Président  
L'honorable Michael A. Brown

Greffier  
Claude L. DesRosiers





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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 11 October 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 11 octobre 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### MEMBERS' COMMENTS

**Ms. Lisa MacLeod (Nepean–Carleton):** It's time the members across the aisle were held accountable for some of the outrageous things they say in this Legislature.

Last evening, the member from Etobicoke North made remarks about my party that were nothing more than rubbish. They diminished the integrity of this chamber and they were remarks that attempted to impugn my party's commitment to immigrants. This is the same member who made ignorant and sexist remarks toward the former female member from Toronto–Danforth.

Mr. Speaker, I want you to know something: I am a proud member of the Progressive Conservative Party of Ontario, and the PC Party is the party of trailblazers in this province. We are trailblazers for women, minorities and new Canadians. Look at our legacy: The PC Party is proud to have elected the first female cabinet minister, the first Jewish cabinet minister, the first cabinet minister of Japanese descent, the first cabinet minister of South Asian descent, the first female finance minister. The list goes on, and with many more firsts to come.

The PC Party built this province, and we built this country. We built it with women, with new Canadians, with visible minorities, with ordinary Ontarians. Liberals may say one thing, but we know the truth.

Before the member opposite makes a half-hearted apology and wishes his mum a happy birthday, we're still waiting for an actual apology out of the member from Sudbury, who made equally demeaning and outrageous statements last week in this place.

Might I remind these members that the conduct in this chamber reflects on all of us. I sincerely hope that the members across the aisle will stop saying whatever they please just because—

**The Speaker (Hon. Michael A. Brown):** Thank you.

#### POVERTY

**Ms. Cheri DiNovo (Parkdale–High Park):** October 17, which is next Tuesday, is the International Day for the Eradication of Poverty. It's apropos that I rise to discuss the plight of our working poor in the wealthy province of Ontario.

The House should be aware that any family working full-time and making minimum wage falls below the poverty line in this province, and that the gap between wealthy and poor is wider now than when we all agreed in the House of Commons in 1989 to eradicate child poverty by the year 2000.

The Toronto Star, in a series of articles, has demanded action. It is time that we in this House respond.

Here is what Campaign 2000 recommends and asks for:

(1) That the government build affordable housing. We have 50,000 to 70,000 families waiting for it, and the wait time is five to 10 years, so clearly whatever response has happened is too little, too late.

(2) That we raise the minimum wage and index it to inflation. The poverty line is \$10 an hour. That should be our minimum wage.

(3) That we stop the clawback of the national child supplement.

(4) That we create the daycare spaces required to fulfill your promise to fund this necessary requirement to employment for women.

(5) Restore employment insurance to workers. Currently, only 29% of unemployed workers qualify for unemployment insurance.

One in six children in this wealthy province lives in poverty; 13,500 use food banks. This is ethically reprehensible.

#### CANCER RESEARCH

**Mr. Phil McNeely (Ottawa–Orléans):** I rise in the House today to add my voice to a cause that I recently added my footsteps to. Two weeks ago, I participated in the Run for the Cure, in Blackburn hamlet, and was proud to help raise \$18,000 for cancer research.

Many others in our community also took steps to support this worthy cause, even our children. At the Henry Munro Middle School in Beacon Hill, students and staff ran 3,630 kilometres, the distance that would have completed Terry Fox's Marathon of Hope in 1980. At St. Francis of Assisi Catholic School, students from kindergarten up to grade 6 ran a one-kilometre track for an hour, raising \$800. In addition, \$310,000 was raised in the annual Terry Fox Run in Ottawa, the second-highest amount ever raised. I would like to congratulate all the people who made these events such a tremendous success.

Raising funds for cancer research is vitally important. One in three Ontarians will be impacted by cancer. This



year, 25,900 people in Ontario will die from cancer, while more than twice that will be diagnosed. But, thanks to this government, we are now better equipped to find a cure and develop stronger treatments than ever before. The McGuinty government has invested \$142 million to create the Ontario Institute for Cancer Research, which brings together public and private sector researchers to share resources and ideas. This government also gave \$65.2 million to the Ontario Cancer Research Network.

While our government has invested millions into cancer research, our communities are likewise making a difference. As the students of St. Francis of Assisi Catholic School said in a letter to a local Orléans newspaper, every little bit helps.

### CLIMATE CHANGE

**Ms. Laurie Scott (Haliburton–Victoria–Brook):** I rise today to express my concern for the misdirection and contradictions that Ontarians have been subject to by the McGuinty Liberals.

The Premier stated loud and clear that it's time for the federal government to come to the table about climate change. Yet when the federal government begins to work with the auto industry in their plan to reduce air emissions, he immediately is seen arm in arm with Buzz Hargrove, saying that the feds should back off on their plans.

This is a Premier who attacked the federal auto emission controls on the same day that Ontario's Environment Commissioner gave a scathing report, saying the McGuinty Liberals are neglecting their obligations to the environment. This is a Premier whose environment minister says she has a plan for Ontario with respect to climate change, but the Environment Commissioner's report says that after a search of ministry websites and contacting ministry staff, there is no formal plan for climate change.

This is a Premier whose energy minister says that coal-fired electricity needs to stop because of the air emissions, yet he purchases electricity at ridiculous prices from outside of Ontario, which is fired by—you guessed it—coal. This is a Premier who says he doesn't think it's right to get into jurisdictional battles when it comes to climate control, but immediately throws barbs at the province of Alberta, which actually has a plan for climate change.

Contradiction after contradiction; broken promise after broken promise. Say anything to get elected: That's the legacy of this government.

1340

### ROCKTON FAIR

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** One evening, heading out to a farm meeting in Rockton, my seven-year-old daughter asked me where I was going. When I told her "Rockton," she begged to come with me. I asked her what it was about

Rockton that got her so excited. "Oh, Daddy, Rockton has everything. They have the lion safari and the berry farm and the Cookhouse restaurant and, most important of all, the Rockton World's Fair." Those were pretty heady words straight from the heart of a seven-year-old expert, and of course she was right. Rockton does have everything.

There's a reason we refer to the annual Thanksgiving fair as the Rockton World's Fair. Simply put, it's a world-class event, organized and run by world-class volunteers, proudly displaying the richness of our vibrant agricultural community. This year's fair was the 154th and, according to early reports, probably the best attended in Rockton history. Four days of great weather certainly helped, as did the exciting array of rides, displays, homemade crafts and pies, exceptional entertainment and the incredible livestock competitions.

I was pleased to spend the better part of three days at this year's Rockton Fair. It has become a Thanksgiving tradition for many in our community, including myself, to stop, reflect and give thanks at Thanksgiving time in Rockton for the incredible people who have done so much to build our strong and diverse agricultural community.

To all of those connected with the Rockton Agricultural Society and the fair, I say, "Well done." I can hardly wait to get back next year.

### COAL-FIRED GENERATING STATIONS

**Mr. John Yakubuski (Renfrew–Nipissing–Pembroke):** Picking up on the theme, it is clear that the only health that concerns the McGuinty Liberals is the health of their own party. If they think it's good for them, they will say it, whether they believe it or not.

Case in point: Their total climbdown from their iron-clad commitment to shut down all coal-fired power plants by 2007. The promise was ridiculous from the start, but that didn't matter to Dalton McGuinty. When it became obvious that they could not follow through, they tried to blame the IESO. We know Liberals could never admit they were wrong themselves. My predecessor, Sean Conway, who knew more than anyone else in the Liberal Party about energy, wanted nothing to do with this promise. He knew that it couldn't be kept.

The Premier said that they based their promise on the best advice available to them from experts at the time. Last week in estimates, I asked the Minister of Energy to provide for me and the people of Ontario the names of those experts. None were provided, although he has promised to get them for me. I won't be holding my breath waiting for him to keep his word. After all, he is a Liberal. Just look at his record.

The McGuinty Liberals won office by saying anything to get votes, anything they felt would work in their favour. We're now into the election year. To the people of Ontario: Heed my warning. The Liberals will be out looking for your votes. More fabrications are on the way.



**The Speaker (Hon. Michael A. Brown):** I would like you to withdraw the last noun.

**Mr. Yakabuski:** I withdraw, Speaker.

## KENT COUNTY AGRICULTURAL HALL OF FAME

**Mr. Pat Hoy (Chatham-Kent Essex):** On October 25, six exceptional individuals will be inducted into the Kent County Agricultural Hall of Fame.

Barry Fraser is the father of the Kent County Agricultural Hall of Fame. He was concerned that the pioneer work of county farmers and their wives in developing agriculture and farm organizations would be forgotten. With the same determination that has earmarked everything he has done, Barry drafted a framework for an agricultural hall of fame that would provide a permanent record of accomplishments.

Edgar and Lynda Gervais have shown tremendous commitment to the future of agriculture through their extensive involvement in 4H and Junior Farmers. They are leaders and mentors to our youth.

In addition to John Peter and Betty VanHaren's contributions to the community, farm and church organizations, their courage and vision have led them to successfully develop swine of superior genetics that have been recognized internationally for their quality.

The late Victor Lauriston was an author, journalist, historian and long-time school trustee. He will be recognized for his pioneer effort in the development of technical education and as a forerunner of agricultural education. His publications, such as *Romantic Kent*, provide a vivid portrayal of the hard work and sacrifices of early Kent farmers.

I take this opportunity to express my sincere appreciation to these six outstanding Kent county citizens for their contributions to the betterment of agriculture and the quality of life in our rural communities.

## WORLD MENTAL HEALTH DAY

**Mrs. Liz Sandals (Guelph-Wellington):** I rise today to join Children's Mental Health Ontario in recognizing World Mental Health Day.

It was not long ago that mental illness sufferers were shamed in their communities and quickly labelled as insane. Green was often used as the colour to label these individuals. Today, we use the colour green as a tool in the construction of a more educated and tolerant world when it comes to mental health. Green signifies new life, new growth and new beginnings.

World Mental Health Day was first observed in 1992. The theme for this year is "Building Awareness—Reducing Risks: Mental Illness and Suicide." Since 1994, many countries, particularly England and Australia, have held campaigns to mark this day.

Given the violent incidents in schools in both Canada and the United States over the past month, the theme for

this year is particularly important. We must all work to recognize mental health issues and reduce stigmas so that those in need seek treatment.

In fact, the McGuinty government has funded a number of new programs in my riding of Guelph-Wellington. An assertive community treatment team which provides intensive supports for people with serious mental illness to live in the community has been funded, and we've just been pleased to host Minister Smitherman announcing a new home for the Community Mental Health Clinic.

World Mental Health Day is a valuable occasion for all of us to work together to focus on mental health and support the people who suffer from—

**The Speaker (Hon. Michael A. Brown):** Thank you.

## WATER QUALITY

**Mr. John Wilkinson (Perth-Middlesex):** There is John Tory and then there is also his contradictory caucus. According to the contradictory Conservative caucus, John Tory will vote against our proposed Clean Water Act. The former Tory government that was forced to call a public inquiry over the tragic loss of life in Walkerton due to contaminated water, the party that campaigned on implementing all of Justice O'Connor's recommendations, plans, according to the backbencher caucus over there, to vote against the proposed Clean Water Act. Now their leader will have to explain to the voters of Don Valley West why he does not believe governments should act when there is a significant threat to their source of drinking water.

In debate, the contradictory caucus of the Conservative Party says, according to the member for Renfrew-Nipissing-Pembroke, that if they form the government, they will amend the bill, while the member for Barrie-Simcoe-Bradford says they will repeal the bill.

Joe Tascona went on to say last night that the cost of Bill 43 should be borne entirely by the provincial government. John Yakabuski says the cost is \$7 billion; Bill Murdoch says the cost is \$18 billion. I'm looking forward to John "Contradictory" Tory and his platform when he tries to resolve that one. Who is running the shop over there—John Tory or the caucus?

Laurie Scott says that Bill 43 is draconian in regard to property rights—

**The Speaker (Hon. Michael A. Brown):** Order. The member for Perth-Middlesex.

*Interjections.*

**The Speaker:** I'd like to remind all members, but particularly this member, that using the proper names of members is improper and that you need to use the constituency name or a particular title of a member in this place.

**Mr. Wilkinson:** Well, then, I say to the Speaker, when is the vacating member for Dufferin-Peel-Wellington-Grey going to get his caucus in order?



## INTRODUCTION OF BILLS

EDUCATION AMENDMENT ACT  
(SCHOOL WASTE REDUCTION), 2006LOI DE 2006 MODIFIANT LA LOI  
SUR L'ÉDUCATION (RÉDUCTION  
DES DÉCHETS DANS LES ÉCOLES)

Mr. Patten moved first reading of the following bill:

Bill 147, An Act to amend the Education Act / Projet de loi 147, Loi modifiant la Loi sur l'éducation.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

Member for Ottawa Centre, you may wish to make a brief statement.

**Mr. Richard Patten (Ottawa Centre):** I think members on all sides of the House will be interested in this insofar as all parties participated in this particular venture, so I'm happy and I'm proud today to rise to speak to the bill, An Act to amend the Education Act regarding school waste reduction. This bill, if passed, will reduce waste generated by schools by requiring, first of all, every classroom in the province to have a minimum of two recycling containers, one for paper, one for plastic and aluminum. Secondly, what's required is that every school cafeteria have a recycling facility and that the recycling facility clearly indicate which materials are recyclable and where in the facility the recycling materials are to be placed.

This bill, before resting sponsorship in my hands, was originally introduced by Kathleen Wynne, the MPP for Don Valley West. As you are aware, she is now the Minister of Education and can no longer sponsor this. Therefore, I stand before the Legislature today to sponsor this bill proudly.

I want to recognize Mike Wise of the CBC, who is with us today, who organized and shepherded the pilot project Making the Grade, which involved all parties in this House—

*Interjection.*

**Mr. Patten:**—excuse me for speaking while you're speaking—the teacher Laura Hudgin and the 10 students from the geography club at Georgetown District High School. It is this group of people who, with their perseverance and dedication, made this bill possible.

The project Making the Grade was intended to provide an exercise for students to get involved and to learn more about the political process. From 106 preliminary ideas, five became bills, and three were finally chosen and presented by each party in this House. Those bills were introduced and called for second reading debate on May 10.

I believe that recycling is a worthwhile cause and is in keeping with the government's waste diversion goal of 60%. If this bill is passed, it will create jobs in recycling facilities and will do much to help the environment for the future of these students and their children to follow. I hope that you will support this, and I congratulate the students and the teacher as well.

## MOTIONS

## HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Wednesday, October 11, 2006, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley has moved government notice of motion number 194. Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1353 to 1358.*

**The Speaker:** All those in favour will rise one at a time and be recognized by the Clerk.

## Ayes

Arnott, Ted	Fonseca, Peter	Pupatello, Sandra
Arthurs, Wayne	Hardeman, Ernie	Ramal, Khalil
Bartolucci, Rick	Hoy, Pat	Runciman, Robert W.
Bradley, James J.	Jeffrey, Linda	Ruprecht, Tony
Cansfield, Donna H.	Lalonde, Jean-Marc	Sandals, Liz
Caplan, David	Levac, Dave	Scott, Laurie
Chambers, Mary Anne V.	Marsales, Judy	Smith, Monique
Chudleigh, Ted	Martiniuk, Gerry	Smitherman, George
Colle, Mike	McMeekin, Ted	Sterling, Norman W.
Crozier, Bruce	McNeely, Phil	Takhar, Harinder S.
Dhillon, Vic	Meilleur, Madeleine	Tory, John
Di Cocco, Caroline	Miller, Norm	Watson, Jim
Dombrowsky, Leona	Milloy, John	Wilkinson, John
Duguid, Brad	Mitchell, Carol	Wynne, Kathleen O.
Duncan, Dwight	Patten, Richard	Yakabuski, John
Dunlop, Garfield	Peters, Steve	Zimmer, David
Elliott, Christine	Phillips, Gerry	

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

## Nays

Bisson, Gilles	Marchese, Rosario	Prue, Michael
DiNovo, Cheri	Martel, Shelley	Tabuns, Peter
Horwath, Andrea	Murdoch, Bill	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 50; the nays are 8.

**The Speaker:** I declare the motion carried.

STATEMENTS BY THE MINISTRY  
AND RESPONSES

## TRANSIT SERVICES

**Hon. Donna H. Cansfield (Minister of Transportation):** I rise in the House today with an update on the McGuinty government's ambitious and multi-faceted



plan to make public transit more convenient and more reliable across the province.

Our government has invested more in public transit in Ontario than any other government in the last decade. The provincial gas tax program will pump \$1.6 billion into transit systems across the province by 2009. That is a record investment. The McGuinty government has made good on its commitment to invest two cents of every litre of gasoline sold in Ontario into municipal transit systems across the province to increase ridership. Very shortly I will announce the third-year gas tax allocations.

Tomorrow I will have the pleasure of announcing a major step forward for the GTTA, the Greater Toronto Transportation Authority. So whether it's the GTTA, the gas tax, the high-occupancy vehicle lanes—I don't know if you've used them; they're absolutely phenomenal—Move Ontario or the growth plan, these are all important elements of our plan to ease congestion and improve public transit so that more people can simply leave their cars at home.

The greater Toronto area occupies less than 1% of Ontario's land mass, but nearly half of the province's 12.5 million residents live in the region. Improving public transit services and increasing ridership are crucial to easing congestion in the greater Toronto area. GO Transit is the backbone of public transit in this area, and I'm pleased to report that GO Transit recently marked its one billionth rider. The original GO Transit train service carried 2.5 million passengers in 1967—that was its first year of operation. Today, the combined rail and bus system moves more than 48 million riders annually. That's the equivalent of taking 170,000 cars off our roads every day.

In one hour on a typical weekday—on a morning, for example—some 39,000 passengers arrive by GO train at Union Station in downtown Toronto. If all of those people drove instead of taking transit, we would need to build four more Gardiner Expressways and four new Don Valley Parkways.

The McGuinty government has invested \$1.6 billion in GO Transit since 2003—\$1.6 billion. We have helped GO Transit add more than 4,000 new parking spaces at GO lots. We've built four new train stations, ordered 31 new buses, 14 double-decker buses, 50 new bi-level passenger rail cars and 27 more powerful locomotives. GO ridership is expected to double in the next 20 to 30 years, and without our critical planning and key investments, such as the ones our government has delivered, we will not be able to handle the increase in ridership, so we've made the investment.

We must be mindful that convenient, reliable and safe transportation is vital to our quality of life and also to Ontario's prosperity. Sustainable transportation is also vital. As Minister of Transportation, sustainable transportation and the protection of our environment are among my highest priorities. When we look at solutions to traffic congestion, keeping goods and people moving safely and efficiently, they must be sustainable solutions.

This is what our plan is doing for GO Transit riders and for commuters right across Ontario. We are making

public transit more convenient and reliable, and more people are choosing to leave their cars at home. Fewer cars on our roads means we are spending less time stuck in traffic, burning less fuel, and ultimately breathing cleaner air.

Starting with the 2004-05 budget, the McGuinty government has put \$3.5 billion into public transit. We have delivered better public transit; we have delivered convenience; we have delivered reliability and accessibility.

I know that all of our honourable members will support all our public transit initiatives and investments right across this province.

#### NORTHERN ECONOMY

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** I rise today to inform members of the most recent steps taken by the government to help ensure sustained investment in mineral exploration and to strengthen the north's economy.

Historically, the prosperity of northern communities has been grounded in the rocks and forests of northern Ontario. This is a region that comprises nearly 90% of our province's land mass, a region whose natural resources contribute profoundly to Ontario's economy. In 2005, for example, the province's annual mineral production was valued at \$7.2 billion.

We know that the fortunes of resource industries and the communities that rely on them cycle through highs and lows. While this has challenged governments for years, the difference is that our government is working in an unprecedented manner alongside northerners to seek solutions to our regional issues. But this is not just a concern of northerners. For example, those who live in other areas of Ontario may lose sight of the profound benefit of mining activity for all Ontarians. Beyond the reality that minerals are needed for virtually every aspect of our daily lives, there is the fact that the province's mineral sector provides 23,000 direct jobs and 75,000 indirect jobs in southern as well as northern Ontario.

Currently, the mineral sector is benefiting from an exceptional boom in global demand and profitability. Our government is acting to help ensure sustained, strong investment in mineral exploration. For example, members of this House will recall that the ministry has already launched Ontario's first mineral development strategy, which will enhance the mineral sector's global competitiveness while opening new opportunities for all Ontarians. Members will also recall that we are investing \$15 million over three years for geological mapping in the far north, and members will recall that we are investing \$10 million to help establish the Centre for Excellence in Mining Innovation, housed at Laurentian University.

While the mineral sector is booming, the forest industry in northern Ontario—and across Canada for that matter—continues to be under pressure from several directions. The government is keenly aware of the challenges to this resource-based industry, and that is why we



are investing \$900 million over five years to boost the competitiveness of this vital sector. That's also why we are making a concerted effort on many fronts to promote a diversified economy in the north.

We are focused on building new opportunities and new economic development in the north. Our government's northern prosperity plan brings together a range of targeted initiatives to drive job creation, economic growth and competitiveness, and the participation of northerners in charting our own future.

1410

In addition to increasing the ministry's operating budget by \$3 million and highway spending by \$60 million, our government is working together with northerners to achieve real progress. For example, investments totalling \$182 million through the Northern Ontario Heritage Fund Corp. alone have helped create or sustain just over 6,000 jobs and work placements since October 2003.

Our government recognizes that young people are yet another valuable northern resource. We are working to provide opportunities for youth to remain in the north, have satisfying careers, grow families and build lives. Through the northern Ontario heritage fund, young northerners are taking advantage of new youth-specific programs for internships, co-op placements and support for entrepreneurs. To date, the youth internship and co-op program have created 425 jobs or work placements in businesses across the north. The young entrepreneur program has helped launch 54 new businesses and created 77 new jobs in northern Ontario.

Another initiative under the northern prosperity plan aims to attract major international investors in northern Ontario. The GO North investor program is marketing the north's advantages abroad in sectors that have been identified as a good fit for northern Ontario. Here at home, the program is helping northern communities ensure that they are ready to attract and respond to interest from foreign investors.

Understanding that economic development is inextricably linked to infrastructure, the McGuinty government, through the Ministry of Public Infrastructure Renewal with Minister David Caplan at the helm, is investing an unprecedented \$1.8 billion over five years—including a record \$357 million in this fiscal year alone—to ensure that northern highways are safe and efficient.

A significant aspect of the northern prosperity plan is northern engagement. Never has a government opened so many avenues of participation for northerners, who are now directly engaged in talking to our government about northern policies and initiatives. For example, northern development councils represent the far north, northwest, northeast, and the major urban cities in northern Ontario. Their first report to me will be based on extensive dialogue for northerners about creating opportunities for the youth in northern Ontario.

Through such measures, the government is actively engaged with northerners to build on the region's proven strengths as well as its tremendous potential to secure

jobs and attract new businesses, innovation and diversification.

**The Speaker (Hon. Michael A. Brown):** Responses?

**Mr. Norm Miller (Parry Sound-Muskoka):** I'm astonished at the unmitigated gall of the member opposite to stand up and declare that the Liberal Party's northern policies are a success. People in communities like Smooth Rock Falls, Red Rock, Kenora, Opasatika, Thunder Bay, Kapuskasing, Terrace Bay and Sturgeon Falls, to name but a few, will beg to differ.

It's like watching those Liberal ads about how rosy things are in Ontario. Another broken promise: a promise that they made where they said they weren't going to be having partisan ads. You just need to watch your TV daily to see that that promise has been broken.

I'd like to remind you of some of the other promises you made. You promised to make Northern Development and Mines a lead ministry in the Liberal government. The truth is that in 2006 you've cut funding to the Ministry of Northern Development and Mines, and on top of that, in 2005 you chose not to spend almost half the budgeted amount for the ministry. Where did that money go?

You also promised to return the heritage fund to its original mandate: fostering private sector job creation through partnerships with the private sector to diversify and grow the northern economy and create jobs. But the truth is, you've used the northern Ontario heritage fund to fund infrastructure projects like water pumps and plants; important, yes, but not the private sector job creators that we were told the money would flow to.

You promised to ensure that the community reinvestment fund would provide northern communities with their fair share of provincial funding, but the truth is that the Liberals' version of the community reinvestment fund, the Ontario municipal partnership fund, has left northern Ontario communities searching for money to pay the bills. The fund makes winners and losers, and unfortunately cities like North Bay, Parry Sound, Greenstone and many others are the losers and are seeing their share reduced as the cost of everything goes up, up and up.

Your government's "let them eat cake" approach to your energy policy has been the final straw for many businesses across the north, and municipal mayors who attended the Northwestern Ontario Municipal Association conference are on the record about their relationship with the government. They describe your government as the "say anything, promise anything to get elected" McGuinty government.

Michael Power, the mayor of Greenstone, is quoted as saying—I suggest the minister listen to the clip of the five or so mayors from the Northwestern Ontario Municipal Association conference—"If you do not, Dalton McGuinty, government of Ontario, step up to the plate now and put in place the promises you have given us, I swear by all that is holy that there will not be a Liberal elected in northern Ontario—not one." That's a direct quote.

There were many other mayors on the record. Another mayor says, "It appears that nobody cares and nobody



wants to listen and nobody is willing to step forward to the plate, and all we keep hearing is, 'Soon, soon, soon.' It means more delays" and more job loss.

Your energy minister was in Sudbury, where he advised northerners on how to deal with the 55% increase in energy prices in the time this government has been in power that is so crippling the forestry sector. His advice: "Find a blanket, buy some good red wine"—if you can afford the good red wine, you'd be able to pay your energy bill—"and cuddle with someone." That was the Minister of Energy's advice to northerners.

I know the minister likes to talk about grow bonds. I'm curious, because every time I go to northern Ontario, I'm asked, "Who bought those grow bonds, anyway? What are they being used for?"

Where else has your government failed the north? Your timelines for completing Highway 69 and the Highway 11 four-laning are years behind those of the previous government; for Highway 69, which was a favourite project of the minister, five years behind the past government. There have been no improvements in rail and air to better connect the people in the north.

The North Bay hospital is still just a field of dreams. In fact, the only time there's action on the North Bay hospital is when the Leader of the Opposition, John Tory, goes to North Bay. Then, all of a sudden, miraculously, the next day, there's an announcement that some progress has been made. Having been in North Bay just a few weeks ago, the people are still asking, "What's going on with the hospital? It's still an empty field."

The forest industry has been in a crisis for more than half of this government's mandate, but your government has done little or nothing to help, despite the fact that you had all sorts of advice from industry experts. You created a fund, but less than 5% of it has been distributed to an industry in dire need—the number two industry in Ontario, certainly the number one industry in the north, an industry that complete towns rely on, an industry that's seen 9,000 direct job losses in the province. Don't insult the intelligence of—

**The Speaker:** Thank you. Responses?

**Mr. Gilles Bisson (Timmins–James Bay):** The minister has a lot of gall to stand in this House today on the very day that Domtar announced that another 140 workers are going to be losing their jobs in Nairn Centre because of this government's failed policy on electricity and a number of other issues that have basically assisted in the layoffs of over 4,500 workers in northern Ontario.

Let me read the list, just so I remind you, Minister: Cascades, Thunder Bay, 375 permanent jobs lost; Abitibi-Consolidated in Kenora, 350 permanent jobs lost; Norampac container board, Red Rock, 300 permanent jobs gone; Columbia Forest Products veneer plant in Rutherglen, 63 jobs lost; Columbia Forest Products, OSB mill, in Hearst, 76; Tembec sawmill in Timmins temporarily shut down, another 19 jobs gone permanently; Weyerhaeuser, one paper machine and wood house, 115 jobs lost for the community of Dryden; Weyerhaeuser sawmill in Dryden, 385 jobs lost permanently; Weyer-

haeuser, Sturgeon Falls, 125 jobs lost permanently; EXCEL sawmill in Opasatika, 78 jobs lost permanently; Domtar sawmill, Chapleau, 67 permanent jobs lost; Bowater newsprint, Thunder Bay, 100 jobs lost permanently; Bowater kraft pulp, Thunder Bay, 250 jobs lost permanently; Bowater kraft mill, Thunder Bay, 250 jobs lost permanently; Smurfit-Stone containerboard, Thunder Bay, 100 jobs lost permanently; Temagami Forest Products, Temagami, 55 jobs lost permanently; Tembec, Smooth Rock Falls, 230 jobs lost indefinitely, the only employer in town, as is the case with most of these communities; Tembec, Mattawa, 111 temporary jobs lost; Tembec, Kapuskasing, 65 permanent jobs lost; Kruger, Longlac Wood Industries, 350 jobs lost; Domtar pulp and paper, Espanola, 100 jobs lost; Devlin sawmill, Kenora, 30 jobs lost permanently; Patricia Logging, Dryden, 35 jobs lost permanently; Interlake Paper, St. Catharines, 48 jobs lost; Sturgeon Timber, 70; and the list goes on to Domtar, Cornwall, 910 permanent jobs; and Domtar Ottawa, 185. Some record.

1420

If this is good for northern Ontario, I don't know what planet you're on, Minister, but you're not on the same planet as the rest of us. The quicker you figure out that your policies are leading to what is happening in northern Ontario when it comes to communities across the north, when it comes to forestry, and you guys take your responsibility, maybe the better off we'll be.

All we've had from this government is one announcement after another, which at the end has done nothing. What has been one of their things? Electricity policies. They take the failed electricity policies of Ernie Eves and Mike Harris; and then they say, "We're opposed to it," in opposition; they campaign against it; and then they become Mike Harris incognito when it comes to Dalton McGuinty being the Premier of Ontario.

You take a look at what's going on in regard to forestry policies as far as wood fibre and what it costs to bring wood into mills. This government has had one solution. To an industry that is in debt, they turned around and they said, "Here: We're going to help you out. We're going to lend you money." You tell me of one industry that is in debt as much as the forestry sector, and to say to them, "Here—your Visa is maxed out—let us give you a MasterCard," has been the effect of this government.

If you stand in this Legislature today and say you're proud, as the McGuinty Liberals, of your record in northern Ontario, I can tell you, in the next election in northern Ontario, as it will be in other places, people will remember just how dismal that record is, and far fewer Liberals will be returned to Queen's Park.

#### TRANSIT SERVICES

**Mr. Peter Tabuns (Toronto–Danforth):** The Minister of Transportation made an announcement in the House here a few minutes ago, and that announcement is going to be very cold comfort to those who will be sitting



in their cars this evening, going nowhere on the Don Valley Parkway, on the 401 or on the Queen Elizabeth Way, and it will be very cold comfort to those who are packed in like sardines on the Yonge Street subway, because the reality is that this government still spends \$2 on highways for every \$1 it puts into transit.

What we didn't get today was an announcement that the Greater Toronto Transit Authority is going to get the money and the authority to do the job that it's supposed to do. What we do get is a government that's on track to ensure that this whole region, the GTA, will become a scene of permanent gridlock.

The GTTA, this shell, this cover for GO Transit, doesn't have the resources to do what has to be done. This region is more difficult to travel through every day. This government is responsible for that gridlock.

### VISITORS

**Mr. Gilles Bisson (Timmins–James Bay):** On a point of order, Mr. Speaker: Members will be glad to know that today, in the members' west gallery, is a very special guest, none other than my youngest daughter, Natalie, and her friend Sean. I want to attest that it's all her mother's doing. She doesn't look anything like me.

**Mr. Ted McMeekin (Ancaster–Dundas–Flamborough–Aldershot):** On a point of order, Mr. Speaker: I'm sure members of the Legislative Assembly will want to welcome Bernadette, Mary Ann, Amanda and Teena, the staff from my constituency office, who are down for a political insight day. Welcome.

**The Speaker (Hon. Michael A. Brown):** I would bring members' attention to the Speaker's gallery. We have there His Excellency Mr. Nguyen Duc Hung, the newly appointed ambassador to Canada from Vietnam.

**Mr. Tony Ruprecht (Davenport):** On a point of order, Mr. Speaker: I'd like to remind all honourable members that the Vietnam-Canada Friendship Association has a reception for the newly appointed ambassador to Canada at 3 o'clock in room 228. All honourable members are invited.

### ORAL QUESTIONS

#### HEALTH CARE

**Mr. John Tory (Leader of the Opposition):** I have here a copy of an ad. My question is for the Premier. I have a copy of an ad from the September 22 to 24, 2006, issue of 24 Hours newspaper. It's an ad about wait times, and it says, "To find out how to reduce your wait times, call or visit our website." We had someone call to ask about reducing a wait time in a hypothetical case for someone waiting for 48 days for an MRI. The operator responded by saying that that wasn't too bad a wait time at all. I didn't know they were hired to give editorials as well, but that should fit in with the rest of the millions of

dollars of taxpayer money that you're spending on this. The same response precisely was received in a second call.

Premier, millions of taxpayer dollars are being spent on these ads to create a sense of hope among the people who read them and then pick up the phone to call that their wait time is going to be reduced. It's your "say anything to get a vote" at its worst. This ad is clearly misleading, on top of being a waste of taxpayers' money. Will you withdraw—

**The Speaker (Hon. Michael A. Brown):** I need you to withdraw the offending word "misleading."

**Mr. Tory:** The reference I made, Mr. Speaker—

**The Speaker:** Just withdraw, please.

**Mr. Tory:** I withdraw, Speaker.

**The Speaker:** Thank you, Premier?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The leader of the official opposition may not think that information relating to wait times in Ontario is important, but I can tell you that since we've put up our wait times website, there have been more than 1.65 million visits, which are arming Ontarians with information they never had in the past. It gives a better understanding of what is happening to wait times in the province of Ontario. It gives them a good sense of specifically what is happening with wait times at their local hospital. It helps them make a decision as to where they want to go if they're going to undergo certain kinds of treatment or procedures.

The previous government was afraid to share that kind of information with the public. That's not the kind of information they were prepared to share with the public. We've collected that information for the first time, we've made it available to the public and we're more than proud to share that with them. We look forward to sharing even more information with them in the future.

**Mr. Tory:** The claim in the ad, which is put into the newspaper at a cost of millions of dollars of taxpayers' money—millions of dollars, by the way, funnelled through your Liberal advertising agency at Bensimon Byrne—is that we can find out how to reduce the wait times by calling this number. Those are exactly the words it says: "To find out how to reduce your wait times, call or visit our website." So we called and asked about someone who had a wait time for four to six weeks for an MRI in Brockville. We were told to talk to the family doctor and get a referral to another hospital. We asked, "Is there any other way to do that?" The answer was, "No." You are creating a false sense of hope among people in the province that they can reduce their wait times. You've put in ads that are incorrect in that they can't reduce their wait time through this website or any other place. Why don't you withdraw the ad and stop wasting the taxpayers' money?

**Hon. Mr. McGuinty:** The leader of the official opposition is clearly now establishing himself as a purveyor of doom and gloom in the province of Ontario. He's very reluctant to admit that wait times are coming down. Cancer surgeries are down by 3.7%; angiographies are



down by 50%; angioplasties are down by 25%. Cataract surgeries are down by nearly 20%; by the way, that's down by 61 days. Hip replacements are down by 18%; that's 63 days' shorter wait. Knee replacements are down by 12%; that's down by 52 days. MRIs are down by 23%, down 28 days; that's the equivalent.

The leader of the official opposition is reluctant to admit that by working together with our doctors, nurses, health care professionals and patients, we are actually scoring some real successes in getting wait times down in Ontario.

1430

**Mr. Tory:** Of course, the facts show that in many places the wait-lists for those very same procedures you talked about are going up, not to mention the new wait-lists that are being created for heart bypasses, shoulder surgery and all kinds of other things—new wait-lists are being created on your watch.

Now, we called your—

*Interjections.*

**The Speaker:** The Minister of Health needs to come to order. I will not be warning him again.

**Mr. Tory:** We called your multi-million-dollar hotline and asked them again about how we can reduce wait times, which is what the ad says. When we called about an MRI in Barrie, they asked us if Barrie was close to Timmins or Peterborough or was it closer to Toronto, which is an interesting commentary on how the money is being spent in and of itself.

But here are a couple of the other helpful answers we got. One of the operators said, "Usually we just tell people to wait for their appointment if there's already one booked." Now there's some helpful advice on how to reduce your wait time.

Another one, when they said, "I don't have a family doctor I can go to to try to get referred somewhere else; I'm one of the 1.2 million who don't have one," the answer was, "Please call the College of Physicians and Surgeons." There's some other really helpful advice on reducing wait times.

How can you countenance wasting these millions of taxpayers' dollars to give people—

**The Speaker:** The question has been asked. Premier?

**Hon. Mr. McGuinty:** Mr. Doom and Gloom has a tremendous amount of difficulty receiving, accepting and welcoming good news. The fact is that we're getting wait times down in the province of Ontario.

I think the leader of the official opposition needs a brief history lesson in terms of what it really means to waste money on advertising. I have a full selection of advertising propaganda that was released during the term of the previous government. Out of respect for this House I will not hold it up, but I can tell you this: If you look at the one relating to education, there's a lovely picture of one Mike Harris on the inside front cover; if you take a look at the one on SuperBuild, there's a picture of six members of the government inside the front cover; if you take a look at the one on health services, there's one there of one Mike Harris and a senior—

*Interjections.*

**The Speaker:** Order. Minister of Energy, Minister of Economic Development and Trade, I need to be able to hear the Premier. Premier?

**Hon. Mr. McGuinty:** To make a long and abysmal story very short, that government excelled in an exceptional way when it came to wasting taxpayer dollars on blatant partisan advertising, putting their faces at our front doors every single day.

I have confidence in the people of Ontario to distinguish blatant partisan, door-to-door advertising and good public information.

**The Speaker:** New question, the Leader of the Opposition.

**Mr. Tory:** My question is for the Premier, and let's talk about some of that good public sector information, or whatever he called it, that Mr. Broken Promise was talking about.

It's very clear that the facts don't support the claims made in this advertisement. We asked how easy it was, when we called the very same call centre—the very same ad that said, "Here's how to reduce your wait time." We asked, "Well, how easy is it to get a referral to a family doctor, so that you might actually explore reducing your wait time?" Here's one of the responses we got, and I quote, "Well, it depends on the family doctor and the relationship with the family doctor. The patient would have to explain to the doctor why the procedure was needed and why they couldn't wait. If the patient had a good rapport with the doctor, a good relationship, then it shouldn't be a problem."

Premier, you're spending \$2 million running these ads—taxpayers' dollars that could be spent on doctors, nurses, waiting rooms and so on, and all they're telling people is that if they have a good relationship with their doctor, they can reduce their waiting time. This is ridiculous. Will you withdraw this ad?

**Hon. Mr. McGuinty:** Again, Mr. Doom and Gloom is reluctant—most reluctant—to admit that we are making some real progress when it comes to getting wait times down in Ontario.

He's also reluctant to admit and accept that some 420,000 Ontarians have now found a doctor since we first formed the government. He doesn't believe it was a good thing for us to put in place 150 new family health teams. He doesn't support the construction of a brand new medical school in Ontario. He doesn't believe we should be expanding medical school spaces by 23%. He doesn't believe we should be increasing family medicine resident spaces by 70%.

But what he does believe, the hill he's prepared to die on, what he's prepared to go to the wall for, is to take \$2.5 billion out of health care in Ontario. That's what he believes in.

*Interjections.*

**The Speaker:** Order. Stop the clock. Minister of Health Promotion. I can wait. The member for Bruce-Grey-Owen Sound will come to order. Minister of Labour.

Supplementary.



**Mr. Tory:** Again, we kind of knew where Mr. Broken Promise was going with that one, but I'd like to ask the Premier this: The ad makes a very strong claim that this ad is about how to reduce your wait times. That's what it says it's about. That's why we're spending millions in taxpayers' money.

We asked, "If we followed the advice to talk to the family doctor and got a referral to a new hospital, would we automatically get the procedure done within a shorter period of time?" That's a logical thing to say: "If we went to the family doctor and got the referral, would we get a shortening of the wait time?" The answer was, "We can't guarantee that."

This is a perfect example of how you and your ads are prepared to say absolutely anything to get a vote or anything else. You don't care whose hopes you dash. You don't care if there are old people who are sick who are waiting on these lists. This ad is not supported by the facts. Will you get rid of it and stop implying to people that you're going to give them some hope that they can reduce their wait time? You're spending taxpayers' money to raise false hopes in people, and that's wrong. It's wrong to spend it and it's wrong to raise false hopes. Will you withdraw it?

**Hon. Mr. McGuinty:** The facts here are incontrovertible, they are incontestable, and the head of the Wait Times Alliance—in fact, I'm sure the leader of the official opposition will be interested in this information—described Ontario as having gone from a laggard to a leader when it comes to getting wait times down on a national basis.

If we take a look, for example, at the issue of cataract surgery, wait times are down by 19.6%. That's down 61 days. That may not be of any real significance to the leader of the official opposition, but if you are a senior living alone in your home, it matters one heck of a lot to have your sight restored so you can lead a fuller, more enriched life.

1440

The leader of the official opposition thinks that is meaningless. He thinks it's not important to make wait time information available to Ontarians—

**The Speaker:** Thank you. Final supplementary.

**Mr. Tory:** You ask six different questions, and the point isn't at all that you don't want to make the information available to people; the point is—we'll try it one more time—that you spend millions of taxpayers' dollars, channelled through your friends at Bensimon Byrne, to put ads in the newspaper and on television saying you're going to reduce their wait time and how they can phone and find out how to reduce their wait time.

Lastly, at least for today, we actually went to the example of someone who did need shoulder surgery and had them phone and say, "Could you help me out? I've got a shoulder surgery and it's taking a long time to get this dealt with." What do you think they were told? "Well, we're sorry. That's not important. It's not on our priority list." And we said, "Wait a minute. It doesn't say

in the ad that you have to be in the priority areas to reduce your wait times; it just says to call to reduce your waiting times."

Again, we're insulting the hard-working people of Ontario by spending their money—millions of dollars of their money—funnelled through your Liberal ad firm, to say you can reduce wait times when, if you're needing shoulder surgery or—

**The Speaker:** The question has been asked.

**Hon. Mr. McGuinty:** I'll give the leader of the official opposition something: He's got no shortage of nerve. Even though he speaks on a platform, on a foundation, of a previous government that did not want to tackle wait times in any meaningful sense, that refused to make information public to the people of Ontario, he is saying to us that what we've done is wrong because we've chosen five specific areas and chosen to define successes in those five specific areas. Furthermore, he says it's wrong for us to make that information public, and he says we should be expanding this.

What I can infer from that is, yes, we are going in the right direction; yes, it was right for us to choose the five specific areas we've tackled; yes, it's right for us to continue to make progress in those areas; yes, it's right for us to make this information public; and yes, it's right for us to build on this foundation and to look to other areas where we can still reduce wait times.

## EDUCATION FUNDING

**Mr. Howard Hampton (Kenora–Rainy River):** A question for the Premier: Four years ago, the provincial government took over school boards in Toronto, Ottawa and Hamilton so it could force cuts in the classroom. At the time, you called this "martial law" and said that nothing could improve while school boards were being forced to cut services for kids. You said, "Review the funding formula, make it fair and then talk to school boards about balancing their books."

It's now 2006. You admit that the funding formula is still flawed, unfair and inadequate, but you refuse to conduct the review of the school funding formula that you called for.

Premier, if it was martial law when the Conservative government forced funding cuts on our school classrooms, how is it not martial law when your government is now doing exactly the same thing?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** It's a different time, it's a different era and we're bringing a different approach. The NDP will well remember the combative approach brought by the Conservatives, and of course he will want to forget about the social contract that was foisted upon public servants right across Ontario.

We're bringing a different approach. It is a collaborative approach. The Minister of Education has put in place an individual who will chair a co-management team. We will work together with two trustees from the board. We will work together in the interests of the



students. We will build on the solid financial foundation that we have laid together. We've increased funding so far by 22% for that particular board, even though growth in enrolment has only been 3%. We think we're on the right path.

**Mr. Hampton:** Parents and students find this all too familiar. You admit the school funding formula is flawed, yet you refuse the fundamental overhaul of the school funding formula that you called for, just like the Conservatives.

Members of your government attack school board trustees, calling them "an embarrassment" just like the Conservatives did, because those trustees refused to force your cuts in the classroom. Now you expect parents and students to be fooled because you're calling your school supervisor a co-manager. As one school board trustee said, "It's like saying the hangman is a nicer guy."

Premier, the parents, students and trustees ask you: When it's all about forcing your cuts in the classroom, how is your hangman any different from the Conservatives' hangman?

**Hon. Mr. McGuinty:** What I'm sure the leader of the NDP would want to admit is that in fact what we're hearing by way of commentary from parents, whether in that board or in any other board across the province, is that they welcome the era of peace and stability. They welcome the massive infusion of new funding into our public schools. They welcome the thousands of new teachers that have been hired. They welcome the new textbooks. They welcome the new funding to restore plant and physical infrastructure. They welcome the fact that our children are making progress on their test scores. They welcome the fact that more and more young people are staying on and completing their high school education.

They welcome the fact that they finally have a government that is fully committed to public education. They welcome the fact that, in those few instances where boards are having challenges when it comes to balancing their budgets, we are bringing a co-operative, collaborative approach. It certainly is a new era in Ontario when it comes to public education.

**Mr. Hampton:** I admit there are more photo ops now—there are certainly more photo ops—but the whole situation seems so similar.

Democratically elected trustees, backed by parents and their community, voted 7-2 against your cuts. They said no to cutting the reading recovery program, a remedial reading strategy that helps grade 1 kids learn how to read. They're tired of seeing washrooms without soap and buildings in disrepair. They said no to cuts in special education. They don't want to see kids who need extra help languishing on a waiting list.

Premier, this is the question these parents are asking. They say that Dalton McGuinty can find millions of dollars for your pre-election TV ads, but they're asking you, why can't you find the money to fix the funding formula that you called for and that you admit is flawed and inadequate?

**Hon. Mr. McGuinty:** Something else that parents throughout the province are welcoming is the absence of strikes, the fact that they can rely on schools being open and that the children go to school every day, uninterrupted. They welcome the fact that we're funding especially teachers like librarians and music teachers and phys ed teachers. They welcome the fact that we've in fact increased the fund for special education.

But maybe the Brampton Guardian had it best of all when they said in an editorial, "Finally, staff, students and parents with the Dufferin-Peel Catholic District School Board will be able to ... get on with the important things, making sure children get the best possible education.... Regardless of what's gone on to get everyone to this point, working together to minimize the impact on the classroom should be the thing everyone focuses on." I simply could not agree more. We will now work together and get on with the job.

**The Speaker (Hon. Michael A. Brown):** New question.

**Mr. Hampton:** To the Premier: I think parents will find it strange that you can find the money for your feel-good pre-election television ads, but at the same time, you say it's okay to cut reading recovery. But what's happening in Dufferin-Peel is being mirrored in school boards across the province. Northern Ontario boards, 11 of them, have seen their budgets slashed by your government, and some of them are closing schools and cutting programs to make ends meet. In Ottawa, specialist teachers and educational assistants are on the chopping block. In Toronto, both the public and separate boards are being pushed by the McGuinty government to make cuts on the backs of students.

Premier, you admit the funding formula is flawed, it's inadequate, but then you tell boards to make the cuts and live with it. My question is, are you now going to take over other boards who say they're not going to make your cuts? Are you now going to axe their trustees too in order to force your cuts in the classroom?

**Hon. Mr. McGuinty:** The leader of the NDP says that we've slashed funding to northern school boards, and that is completely wrong—completely wrong. He knows better. For 2006-07, northern boards are projected to receive over \$1.3 billion, representing an increase of \$334 per pupil over 2005-06, while enrolment is declining by 2.5%—funding going up dramatically while enrolment is going down.

1450

When it comes to the Toronto District School Board, he knows as well that that's another case where enrolment has gone down but funding has gone up dramatically. Only the NDP would argue that 2.7 billion more new dollars invested in public education does not represent a significant increase in public funding for education, nor a significant commitment on the part of our government for education. Only the NDP could argue that that was not sufficient.

**Mr. Hampton:** Premier, I've actually met with some of those boards. They're not falling for your movement



of some money out of this envelope into another, but at the end of the day, when they look at the bottom line, they've got less money. They're not falling for that; they're calling you on it. In fact, they refer to this study, an independent study by the Canadian Centre for Policy Alternatives, which says that many boards have less money now than they had in 1997.

Here is the situation: Students in Toronto are at risk of losing educational assistants, special education and, in some cases, their local school. Once again, you say the funding formula is flawed, you say it's inadequate, but you refuse to do anything about it. I ask you the question again, Premier: Are you going to take over those boards too, axe the trustees and force your cuts on the classroom in those boards, just as you did in Dufferin-Peel?

**Hon. Mr. McGuinty:** No, to be direct. We will continue to work with trustees wherever they may be found throughout the province. We will continue to work with all of our school boards, all of our teachers, all of our administrators, all of our parents, to improve the quality of learning that we can offer inside our public schools. And we will also continue to work on the funding formula.

But I'm sure the leader of the NDP will want to acknowledge some of the progress we've made in that regard. We've created a new \$1.1-billion school foundation grant, part of which will ensure that every school with more than 50 students is now funded for a principal and a secretary. We've created special-purpose grants, because we recognize that one size doesn't fit all, so that rural boards will now receive an additional \$125 million this year. We've also updated the formula's salary benchmarks, so that teachers' salaries no longer have to be taken from other areas of school board budgets. Those are all specific, concrete improvements to the funding formula, and we look forward to working with trustees, parents and administrators to make still more.

**Mr. Hampton:** School boards hear you make these announcements and then they look at their budget and they see that they actually lost money in their budget so that you can make your photo op announcements.

I just want to remind you of what a certain trustee said in 2002—on the verge of being thrown out of her job by the former Conservative government committed to making cuts: "The minister has known that boards were going to be in trouble this year, and personally, I think it's irresponsible that the minister, having admitted the funding formula was flawed, that they didn't provide an arrangement to provide funding." Who said that? That's your new education minister, Kathleen Wynne.

Premier, in a matter of weeks, trustees at both boards in Toronto will refuse to make the cuts in the classroom that the McGuinty government is demanding. My question again: Since you admit the funding formula is wrong, since you yourself called for a review of it and the fixing of it, are you going to do what you promised—

**The Speaker:** The question has been asked. Premier.

**Hon. Mr. McGuinty:** I just don't share the leader of the NDP's pessimism, nor can I claim to be what he's

pretending to be, which is clairvoyant, in terms of the outcome of these collaborative efforts that we are making with our school boards, particularly those here in Toronto. Sixty-eight out of 72 school boards have managed to balance their budgets. There are four in particular which have some challenges. We will continue to work with those boards.

Now, only the leader of the NDP could claim that \$2.7 billion more constitutes a cut. Maybe that's the new math or something, but over here on this side of the House, we consider \$2.7 billion to be a significant new infusion of public money into our school boards, and we will continue to bring a co-operative, collaborative approach to dealing with all of our school boards as we share in this wonderful enterprise of improving the quality of learning experience for all Ontario children.

#### GOVERNMENT APPOINTMENTS

**Mr. John Tory (Leader of the Opposition):** I have a question for the Premier. At a time when your government is spending millions on advertising, as we discussed earlier—\$219,000 on the trillium logo, \$6 million on the lottery corporation logo, \$55 million and counting on Caledonia—at a time when we have 1.2 million Ontarians without a family doctor, emergency rooms in crisis, nurses facing an increasing workload—and you're not keeping your promise on that—can you tell us why you felt it was necessary to create a kind of all-you-can-eat buffet for your Liberal cronies and pals in agencies, boards and commissions by jacking up the pay for appointments substantially and increasing the term lengths for all the people you're appointing to things in your dying days?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** At this point, I'm not going to begin to list former Conservative members we've appointed to Ontario's agencies, boards and commissions. If called upon to do so, I'll be more than pleased.

But let me say this: We think it's very important to retain the best possible talent, to ensure that we have attractive working conditions, including pay, so that people who come and work for Ontario's agencies, boards and commissions, and who do so at arm's length from the government, can deliver the best possible progress and service to the people of Ontario.

Maybe the leader of the official opposition feels that we should not be providing that kind of pay, that kind of remuneration, that kind of support to people whom we are trying to attract into some element of public service, but we think it's the right thing to do for the people of Ontario.

**Mr. Tory:** Arm's length from the government? If they were any closer, they'd be under arrest.

The old terms for public appointments—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Stop the clock. Order.

*Interjection.*



**The Speaker:** Order, the Minister of Economic Development and Trade.

Supplementary.

**Mr. Tory:** The old terms were six years, and now you've extended them to 10 years. This is a bold attempt on your part to try and rule from your political grave when you're out a year from now.

But let's look at the money. The Conservation Review Board: The chair gets a 353% increase; the vice-chair gets 304%; the members get a 274% increase. The Ontario Film Review Board: They all get a 102% increase. That is just a sampling of the 1,000 jobs you're handing out to your Liberal friends with a huge raise. It's going to cost \$20 million for you to fund these increases to these people who are on your Liberal gravy train.

I ask you this: You've offered this pork smorgasbord to these people. Don't you think the money would be better spent helping to hire some more nurses, to get some more doctors out there or to get those emergency rooms fixed, or maybe give the money to the school boards instead of—

**The Speaker:** The question's been asked. Premier.

**Hon. Mr. McGuinty:** When I asked Ernie Eves if he might accept an appointment to one of Ontario's agencies, boards, and commissions, we worked long and hard to ensure that we could accommodate and capitalize on his particular talents. There have been dozens of others of this political stripe opposite who have been hired by an agency, board or commission, including our adjudicative tribunals, to ensure that we have the best possible talent working on behalf of the people of Ontario.

Again, the leader of the official opposition had his office or his team briefed on this weeks ago. There was nothing secret about this. We made it very clear: This is about ensuring that we attract the best people of all previous political stripes to come and work on behalf of the people of Ontario.

1500

## DISABILITY BENEFITS

**Mr. Michael Prue (Beaches—East York):** In the absence of the Minister of Community and Social Services, my question is for the Premier. Mr. Premier, yesterday, I went to Lindsay to represent the man that I spoke to you about in this Legislature last month. His name is Brian Woods. We learned, during the course of his appeal, that he cannot eat the food that his doctor is prescribing for him because he doesn't have it. We learned that it's not available in the food bank. We learned that, in his case, he has lost 75 pounds this year. We asked your minister, in May and in June and over the summer months, to intervene. We asked you in September to intervene when she refused to do so.

Today, she is quoted in the Toronto Star as saying that poverty is complex. Carol Goar commented, "It is hard to tell whether the minister is defending a vision she believes in or delivering the party line."

Mr. Premier, your special diet allowance schedule is the root cause of this man's grief. When are you going to change it?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I've just been provided with correspondence from Madame Meilleur's office, who's been in contact with Mr. Prue's office, and there's an acknowledgement here: "Thank you for your quick response. I will call you tomorrow. I look forward to working with you to resolve this issue as quickly as possible." That was September 27.

Obviously, this is an issue that has been raised in this House before by the member opposite. There has been some communication with Madame Meilleur's office. It remains an ongoing concern. I know that the minister has now had this matter clearly brought to her attention by my office, and I fully expect that she will continue to work on it.

**Mr. Prue:** Mr. Premier, your minister's tenure as minister has been catastrophic to special diet recipients.

**Hon. Mike Colle (Minister of Citizenship and Immigration):** Oh, come on. Don't exaggerate.

**Mr. Prue:** No, I'm not. Don't you exaggerate. From February 2006 to June 2006, a period of only four months, payments to special diet recipients have been reduced from \$151 per month on average to \$100 per month on average—a decline of 35%. Brian Woods has diabetes; bleeding, ulcerated feet; heart problems; and he is blind. He is forced to attend the hearing just so that he can eat. Your across-the-board cuts have been depriving thousands of people just like him of decent-quality food.

You should be a champion for the poor, Mr. Premier. Why are you content to enforce the shameful Harris legacy and, moreover, why have you actually made it worse?

**Hon. Mr. McGuinty:** Again, I can't speak to the specifics of the case, but I, of course, remind the member that this is a matter of ongoing communication between himself and the minister's office.

What I can remind the member is that for 12 years, there had been no increases in social assistance benefits in the province of Ontario; in fact, all there had been were cuts. We increased social assistance benefits not once, but twice.

I say to the member opposite, he raises an important issue. It's a matter that has been raised with the minister. It is unfortunate that he did not, when the minister was here earlier today, cross the floor and raise it with her directly, but again, I will convey this to the minister, and I know that she's already in communication with the member's office.

## BRIDGE SAFETY

**Mr. John Milloy (Kitchener Centre):** My question is to the Minister of Transportation and concerns Highway 7/8, a provincial thoroughfare that goes through the heart of my riding.



Over the long weekend, residents of my community were concerned to hear reports about falling concrete and unsafe road conditions on this highway as it passes over Courtland Avenue. I know that the ministry's staff have been on the scene, and I want to ask the minister what steps are being taken by her ministry to repair this important overpass and ensure the safety of this very crucial transportation artery for my community.

**Hon. Donna H. Cansfield (Minister of Transportation):** I'd like to thank the member for the question. Indeed, a stretch of Highway 7/8 over Courtland Avenue had identified some bonding that had separated on the surface of the road. That was identified on October 8, a Sunday. We sent a site engineer immediately. The site engineer made the inspection and determined that in fact the structure was safe. We then, however, made a detour and closed the lane. We also contracted with a local contractor to have the surface fixed. It will take three days, weather permitting, but I can reassure the member that indeed the structure is secure.

**Mr. Milloy:** I want to thank the minister for the answer, but raise the issue that the situation on this highway raises obvious concerns about bridge safety in general throughout this province. I wonder if the minister could tell the Legislature: What exactly are Ontario's inspection and safety standards that we apply to our highway bridges?

**Hon. Mrs. Cansfield:** I'm delighted to be able to respond. The Canadian highway bridge design code in fact is based on the Ontario code. We have the only jurisdiction in Canada that inspects our bridges by professional engineers, required by law, every two years. In addition to that, we do ongoing patrol and we do annual inspections by our own Ministry of Transportation trained engineers. Actually, we are also the only jurisdiction in Canada that does electronic load testing on bridges to ensure that the loads can be taken by the vehicles.

Furthermore, I think that some comfort should be taken that the particular design of the bridge that did collapse in Quebec is not a design that is used in Ontario.

Having said that, however, we are reviewing all of our procedures and practices with the municipalities, as well as ourselves, to ensure that all of our bridges are in good shape and people can feel secure that they have the best bridges in Canada.

#### LONG-TERM CARE

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** My question is for the Minister of Health. I have here a letter that you sent out to long-term-care home operators, and in it you claim that the "proposed act will be the cornerstone on which we build the long-term-care home system that will be a model for the rest of country." Well, I can tell you that this bill is definitely not a model, because the rest of the country is already moving ahead with definite plans to eliminate the last of their four-bed wards for residents.

Minister, it was our government that developed the 1998 design standards for long-term-care homes. We built 20,000 new beds to meet the standards. We invested in a renewal plan to upgrade the D homes to meet those standards so that people could live in dignity. I ask you: Where is your capital renewal plan for the remaining 35,000 beds?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** It's not surprising that the honourable member would bring a budgetary matter to a discussion about a piece of legislation.

It's appropriate to characterize this legislation as a framework for the long-term-care sector, looking forward many, many decades. Of course, through the licensing regime which we propose in this piece of legislation, we are very, very deliberately getting the appropriate attention focused on the renewal of capital stock and, alongside that, making important improvements that will give much greater protection for our most vulnerable residents who find a home in our long-term-care homes.

This is legislation that we're proud of. It provides a very, very appropriate framework to be able to offer even stronger and more strenuous protections in quality care for the residents in long-term-care homes, and I would very much look forward to ongoing debate with the honourable member on all points.

**Mrs. Witmer:** I would again say to the minister that the current bill is no model for the rest of Canada, as we've certainly learned from other provinces. In fact, you talk about dignity, comfort, security and safety. Well, there are in this province at the present time about 50%, 35,000 residents, who are going to be continuing to live in homes that are 25 to 35 years old. They simply meet the 1972 design standards, which means people are living in three- and four-bedroom wards. They don't have an ensuite bathroom. They don't have wheelchair accessibility throughout the home. They often have to use the elevator; they crowd into it to go into the dining room and the basement. They are paying the same amount of money as the people who are living in the new beds and who are living in the renovated D beds. I ask you again: Where is your plan to ensure that these people do live in dignity, security, safety and comfort? Where is your plan to upgrade these facilities?

1510

**Hon. George Smitherman:** As I said in my previous answer, that is a budgetary matter, and we look forward to opportunities to discuss that further. I've spoken about the licensing regime, which is an important element of this bill. But let me talk about dignity and respect and the like, which the honourable member was mentioning. Bricks and mortar are, of course, one contribution to the overall experience people have. We can make no argument about that. We understand this well, as a government that inherited hospitals that were, on average, 43 years of age in our province, and we've been working hard to address that. We've been building new long-term-care stock as well, with 5,000 additional beds that have opened on our watch.



**Mrs. Witmer:** Those are our beds.

**Hon. Mr. Smitherman:** But you didn't pay for them, Elizabeth.

*Interjections.*

**Hon. Mr. Smitherman:** I might say, if my caucus members will let me, on all points related to the legacy of the honourable member as it relates to health, that it's your bed, so you sleep in it. The reality is that, all across the landscape, this honourable member's efforts, her fingerprints, are very, very well identified with most of the most serious challenges we have.

But in this bill, what we seek to be able to do is offer dignity and respect to our residents through a code that—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

### AGGREGATE EXTRACTION

**Mr. Peter Tabuns (Toronto–Danforth):** My question is for the Premier. The proposed 205-acre expansion of Dufferin Aggregates' Milton quarry makes a mockery of your greenbelt legislation and threatens source water protection. The expansion not only carves up the Niagara Escarpment's natural corridor; it requires that massive engineering works be put in place that have to function forever in an attempt to stop this quarry from sucking dry the local creeks and wetlands. Premier, you have been sitting on an appeal to cabinet from environmental groups for over a year. Today, are you going to say no to the expansion of Dufferin Aggregates' Milton quarry?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The Minister of Natural Resources.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** As the member rightly notes, this is subject to an appeal to cabinet. It is involved in those processes and is moving along. It hasn't gotten to cabinet yet, but when it does, cabinet will deal with it.

**Mr. Tabuns:** Wow. We had a lengthy hearing. We had environmental groups that came to cabinet over a year ago, Minister—over a year ago—in one final attempt to see that the environment in this province will be protected. Ontarians want to know: Are you going to stand up for your own greenbelt legislation? Are you going to protect source water? Are you actually going to protect the Niagara Escarpment? Again, are you actually going to take this into cabinet, come back and tell us that this quarry expansion is in fact going to be rejected?

**Hon. Mr. Ramsay:** Again, when it's appropriate, cabinet will be considering the various petitions that come before it. Those have not reached cabinet yet, so they're not there for those decision points.

Let me say to the member that the McGuinty government takes the greenbelt very seriously, as you know, and open spaces and natural spaces in southern Ontario. The greenbelt, I believe, is one of the best accomplishments of this very government. It protects those vital areas of southern Ontario from development so that we have

organized planning, development and growth in southern Ontario.

Aggregates are a very important part of planned development. We need to have aggregates. We need to make sure, for the environment, that aggregates are within the scope of development areas so that you don't have to be importing them for hundreds of miles and causing pollution. There's a balance when it comes to all of this, and I'd just let the member know that in the next few months we'll be talking about some new policy when it comes to aggregates.

### HYDRO RATES

**Mr. Phil McNeely (Ottawa–Orléans):** My question is for the Minister of Energy. Electricity prices are always a concern to my constituents. They're still talking about the time when their bills skyrocketed back in 2002, when the Tories irresponsibly opened up the market just before they brought in their irresponsible cap. Electricity isn't something that people can just do without. It plays a major role in people's lives, so I know they would be very interested to know what the Ontario Energy Board had to say earlier today with respect to the price of electricity and whether or not they will see an increase in their bills this winter.

Minister, can you share with the House what this winter's electricity prices will be?

**Hon. Dwight Duncan (Minister of Energy):** I'd like to thank the member for his question and I'd like to share some good news with the House and with the people of Ontario. Earlier this afternoon, the Ontario Energy Board released their regulated price plan adjustment for November 1 of this year and they announced that prices are going down, on average, 6%. Now we will get out the quotes from the leader of the third party particularly who said that prices were going up this winter. They are in fact going down. What's particularly satisfying about the OEB's decision is that for the first time in the history of Ontario, prices for electricity are being set without the political rhetorical flourish that's been so common on the opposite side of the House.

The member would be curious to know that consumers will pay 5.5 cents on the first 1,000 kilowatts, which is yet a greater incentive to conservation. Conservation, we all know, is very important to the future of our province.

**Mr. McNeely:** Thank you, Minister. I know that the people in Ottawa–Orléans will be very interested to hear that. Just a question: How did the OEB come to these prices, and will they be sustainable? I know that the artificial Tory price cap ended up costing Ontarians \$1 billion. Can you assure my constituents that the plan in place is a sustainable one that won't leave our children and grandchildren with a debt to bear?

**Hon. Mr. Duncan:** The regulated price plan was introduced by the OEB in April 2005 to reflect the true cost of energy. It's designed to provide stable and predictable electricity prices for consumers, as well as encourage conservation. While the regulated plan reflects



the blended cost of supplies from our sources like Niagara Falls and the whole range of sources, the plan we've laid out has brought on more supply in three years and will bring on yet more supply. It has also produced a reduction in demand by the most aggressive conservation programs, which are just now starting to take hold. In order to deal with rising electricity prices—price increases that are being reflected in virtually every other jurisdiction in North America—this government has taken the steps and established a plan that is now showing positive benefit to the people of Ontario, and I would predict that those positive trends will continue.

#### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mr. Garfield Dunlop (Simcoe North):** My question today is for the Premier. On September 9, 2004, your former Minister of Community and Social Services announced that three regional centres in Ontario would be closed by March 2009. She indicated that the facilities were institutions and that all residents of the three regional centres would move into small units of five, six, seven or eight people and they would receive the same level of care that they have been accustomed to in the regional centres. I'd like to also inform this House that the county of Simcoe has the longest waiting list for long-term-care beds in the province.

Now we are told that a desperately needed new long-term-care facility in Orillia, with beds that have been transferred from other areas—not new beds added to the provincial total—is about to receive approximately 18 Huronia Regional Centre residents who now have comfortable, apartment-style homes in the Huronia Regional Centre. Premier, the families of the HRC residents were promised smaller units, with the same level of care and service. Why are you breaking that promise by moving them now into institutions?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I know that the Conservative Party and the NDP fully support our government and our move to build more inclusive communities and to remove patients from these long-term institutions. I know we have their complete support in that regard, and we're building on the foundation that they themselves developed.

We have a \$272-million, four-year plan to transform and revitalize the development services sector, and that is underway. Transformation of developmental services in Ontario began in the 1980s and has been supported, as I say, by all three parties over the decades. We look forward to proceeding with that plan, knowing that we will continue to have the support of all parties.

1520

**Mr. Dunlop:** I actually asked you why you were allowing them to be moved into the institutions. You're moving them out of one institution into another. You're closing the doors on good apartment-style living. Can you tell me then today what I am to say to families who

have had their loved ones on long-term-care waiting lists now that their spaces are now being displaced by residents of the Huronia Regional Centre, who already have comfortable homes? What am I to tell them, Premier?

**Hon. Mr. McGuinty:** I say to the member opposite that he can tell his constituents that we will continue to work with them. We will continue to work with the developmental services sector and all people who are committed to ensuring that residents who are finding themselves out of the original institutions have a comfortable place that is in keeping with their needs and that assures their safety and security.

#### MENTAL HEALTH SERVICES

**Ms. Andrea Horwath (Hamilton East):** My question's for the Minister of Health and Long-Term Care. Minister, you recently attended the groundbreaking for a new facility for the Centre for Addiction and Mental Health here in Toronto. The centre's press release acknowledged that "the physical environment makes an enormous difference on how clients recover" from addictions and mental illness. CAMH is the crown jewel of addiction treatment facilities, but are you aware of the problems that the centre has in providing a safe environment for the clients who seek help there?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I think the honourable member has more to ask and I'll await it in her supplementary. I don't know why she's playing hide and seek here. Here's what I'm aware of: Last week, I had the privilege of being alongside my colleague the Minister of Public Infrastructure Renewal at the event for CAMH. I'm intrigued to hear whether the third party is now supportive of that or whether they're opposed to it. What we obviously see is an opportunity at CAMH to order the service delivery in buildings which are better suited to what we now know about the very best models of care. It's part and parcel of a \$5-billion reinvestment in the infrastructure of our hospitals, which, as I mentioned earlier in question period, averaged 43 years of age.

We acknowledge the tremendous work that goes on at CAMH, and we appreciate so much the front-line caregivers who provide so much great care, but we acknowledge as well that renewal of capital facilities is one part of the important range of services that can be provided. That's why we're so glad that we could move forward with the first stage of redevelopment at the CAMH site.

**Ms. Horwath:** The minister can be sure that I'm not playing a child's game. I'm raising a serious issue here in the House regarding my constituent Tim Pocius, who's here today from Hamilton. He went to CAMH for help but had to leave because staff at the time did not enforce the very rules that they put in place to keep their clients safe. They refused to remove a menacing and violent client who was clearly drunk and stoned, who was in possession of alcohol and who was criminally abusing and abusive to other members in the program. Tim com-



plained to the centre's officials, but no one even bothered to move to enforce the rules that existed and make that environment safe for the clients. He did the right thing and sought treatment, but he was forced to quit the program before it was even over for fear of his safety.

Now that you're aware of problem, Minister, will you agree to investigate Tim's complaint? Will you investigate and ensure that CAMH has the staff and resources to enforce their own rules 24/7 and keep the environment safe for people like Tim?

**Hon. Mr. Smitherman:** I will remind the honourable member that our commitment to people in Ontario with mental health is found very clearly in the over 50% increase in funding that we've made for mental health since coming to office. This was to start to clean up a record that goes back to the time when the honourable member's party was in office, because for 13 years there was no investment in the community-based mental health programs.

I'll give the member the benefit of the doubt, and I will work with her to try and make sure that she understands that community-based governance in the province of Ontario means that CAMH is an independently governed hospital. There are appropriate patient advocates who are active within those environments. I will work with the honourable member—

*Interjection.*

**Hon. Mr. Smitherman:** I will work with the honourable member, difficult as that's proving, to assist her in making sure that the hospital does take very seriously this concern raised by a patient there. We will do that immediately.

## ENVIRONMENTAL PROTECTION

**Mrs. Carol Mitchell (Huron-Bruce):** My question is for the Minister of Natural Resources. Minister, there is a belief that Ontario's Endangered Species Act is outdated and is not doing its job of protecting Ontario's many endangered species. Scientists have currently identified 190 endangered species in Ontario, of which only 43 are protected by the current act. Minister, what are you doing to ensure that Ontario's species are protected from harm, and how will the Endangered Species Act be updated?

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I thank the member for her interest in this very important subject. We are currently reviewing our Endangered Species Act so we can provide greater protection for species at risk in Ontario. We're looking at ways to put in effective measures to protect species at risk, including a science-based process to list species and to develop effective tools to help them recover.

I think what's very important is that we're using an advisory committee, a panel of individuals from a variety of backgrounds who are experts in the field of species at risk. This group has met on several occasions over the past few months and is giving us some very good advice

as to how we could bring forward some proposals in nine key areas to make this a stronger act.

**Mrs. Mitchell:** Thank you very much, Minister. Ontario is home to many different kinds of plants and animals. It's a part of our unique character, and it's something that we have a duty to protect.

The members opposite have repeatedly claimed that the Environmental Commissioner of Ontario's report highlights what we have done with the environment. The ECO's report mentions the MNR specifically. Minister, is the ECO's report all doom and gloom? Has the MNR abdicated responsibility for environmentally sound policies?

**Hon. Mr. Ramsay:** I'd like to thank the Environmental Commissioner for his praise for a lot of the work that the Ministry of Natural Resources has been doing and some of his helpful suggestions to help us along with further work in regard to helping our environment. I'd like to quote from his latest report. He says:

The MNR has launched a biodiversity strategy for Ontario. I applaud the ministry for taking this initiative. The challenge going forward is to make sure that we follow through with the strategy and integrate procedures to protect and conserve biodiversity into operations of all ministries" across government. I would certainly consider our Planning Act reforms and also our greenbelt reforms in this government to be consistent with that. We're very proud of the work we're doing, as the McGuinty government, in protecting our environment in Ontario.

## PETITIONS

### ELECTRICITY SUPPLY

**Mr. Norm Miller (Parry Sound-Muskoka):** I have a petition to the Legislative Assembly of Ontario.

"Whereas Hydro One Networks Inc. provides hydro to many communities in the region of Parry Sound-Muskoka; and

"Whereas there have recently been several lengthy power outages in this region affecting both private residences, schools and businesses; and

"Whereas rural customers pay among the highest distribution and delivery charges for electricity;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Energy and the Ontario Energy Board require Hydro One Networks Inc. to make improvements in line maintenance and forestry management in the region of Parry Sound-Muskoka to ensure reliable energy for its customers."

I support this petition and affix my signature to it.

### PRESCRIPTION DRUGS

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I have a petition. It's addressed to the Legislative Assembly of Ontario.



**“Re: Expiration dates on prescription drug bottles**

“Whereas the health and well-being of all Ontario citizens is of the utmost concern for everyone in this province;

“Whereas to date there is little to no marking on prescription drug bottles in Ontario stating clearly when the drug is past its primary date of use, possibly leading to harmful effects on the health of Ontario citizens;

“We, the undersigned, therefore petition the Legislative Assembly of Ontario to request that it is made mandatory for the expiration date of prescription drugs to be clearly placed on all prescription drug bottles and containers, as it is for food products, ensuring that no one accidentally uses them past that date, causing unnecessary and preventable harm.”

I agree with this petition and I give it to page Olivia, who's with me here today.

1530

#### HEALTH CARD REGISTRATION OFFICE

**Mr. Tim Hudak (Erie–Lincoln):** I'm pleased to present a petition, signed by people like Mary Lou Garr of Smithville and Tony Maus of Smithville as well, that reads as follows:

“Reopen the Beamsville Health Card Registration Clinic

“To the Legislative Assembly of Ontario:

“Whereas the Beamsville health card registration office has helped over 4,000 local seniors, families and other local residents over the last five years renew their health cards close to home; and

“Whereas the Lincoln Centre provided the room and services to the province free of charge; and

“Whereas Lincoln residents are now paying more in a new health tax but are receiving less in services;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“The Dalton McGuinty Liberals should immediately reopen the Beamsville health card registration office, which they closed without any notice in the Lincoln community.”

In support, I affix my signature.

#### LONG-TERM CARE

**Ms. Shelley Martel (Nickel Belt):** I have petitions that have been given to me by members of SEIU local 1.0n. It reads as follows:

“Whereas, in June 2003, Dalton McGuinty said, ‘Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios’; and

“Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

“Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

“Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

“Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day.”

I agree with the petitioners. I have affixed my signature to this.

#### IMMIGRANTS' SKILLS

**Mr. Jeff Leal (Peterborough):** I have a petition today for access to trades and professions in Ontario.

“To the Legislative Assembly of Ontario:

“Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

“Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, managerial and professional talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

“Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families.”

I agree with this petition and I will affix my signature to it.

#### WATER QUALITY

**Mrs. Christine Elliott (Whitby–Ajax):** A petition to the Legislative Assembly of Ontario:



"Whereas every Ontarian wants the best water quality" available; "and

"Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

"Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

"Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

"Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

"Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place."

As I'm in support of this petition, I'll affix my signature to it and give it to Bryce.

#### IMMIGRANTS' SKILLS

**Mr. Bob Delaney (Mississauga West):** I have a petition to the Ontario Legislative Assembly. It reads as follows:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, managerial and professional talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

I completely agree with this petition. I'm pleased to affix my signature and to ask Mississauga West page Taylor Rodrigues to carry it for me.

#### HEALTH CARD REGISTRATION OFFICE

**Mr. Tim Hudak (Erie-Lincoln):** I'm pleased to present a petition signed by Christine Nation of Beamsville and Jennifer Wild of Vineland that reads as follows:

"Reopen the Beamsville Health Card Registration Clinic

"To the Legislative Assembly of Ontario:

"Whereas the Beamsville health card registration office has helped over 4,000 local seniors, families and other local residents over the last five years renew their health cards close to home; and

"Whereas the Lincoln Centre provided the room and services to the province free of charge; and

"Whereas Lincoln residents are now paying more in a new health tax but are receiving less in services;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"The Dalton McGuinty Liberals should immediately reopen the Beamsville health card registration office, which they closed without any notice in the Lincoln community."

In support, I affix my signature.

#### VISITORS

**Mr. Vic Dhillon (Brampton West-Mississauga):** On a point of order, Mr. Speaker: I'd like to welcome Mr. Harpal Dhaliwal. He's a pioneer in educating prospective immigrants who are coming to Canada from India, mainly specializing in the medical field. With him today is a delegation from a medical school in India: Dr. K.M. Selvaraj, J. Arawindhan, K. Ramakrishnan and Dr. Ramadoss. I'd just like to extend a very warm welcome to these folks.

**The Acting Speaker (Mr. Michael Prue):** Thank you for the introduction. It was not a point of order, so I have nothing on which to rule. I would ask the honourable members in future, as this is a limited—I had to stop the clock. Points of order such as this should be raised after, when the clock is not running. I didn't want to impede on the times. But welcome to the Legislature, gentlemen.

#### LONG-TERM CARE

**Mr. Gerry Martiniuk (Cambridge):** I have a petition to the Legislative Assembly of Ontario:

"Whereas long-term-care funding levels are too low to enable long-term-care homes to provide the care and services our aging seniors and parents need, with the dignity and respect that they deserve; and

"Whereas, even with a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a



resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas the allowance for three meals is \$5.34 per day; and

"Whereas those unacceptable care and service levels are now at risk of declining, and there is a further concern with the residents' safety;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"We, the undersigned, petition the McGuinty government to increase operating funding to long-term-care homes by \$306.6 million, to allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

As I agree with the petition, I affix my name thereto.

1540

### GASOLINE PRICES

**Mr. Gerry Martiniuk (Cambridge):** I have a petition signed by the good citizens of Cambridge, which reads:

"To the Parliament of Ontario:

"Whereas gasoline prices have increased at alarming rates during the past year; and

"Whereas the high and different gas prices in different areas of Ontario have caused confusion and unfair hardship on hard-working Cambridge families;

"We, the undersigned, hereby petition the Parliament of Ontario as follows:

"(1) That the Ontario McGuinty Liberal government immediately freeze gas prices for a temporary period until world oil prices moderate; and

"(2) That the Ontario McGuinty Liberal government and the federal Martin Liberal government immediately lower their taxes on gas for a temporary period until world oil prices moderate; and

"(3) That the Ontario McGuinty Liberal government immediately initiate a royal commission to investigate the predatory gas prices charged by oil companies operating in Ontario."

As I agree with the contents of the petition, I affix my name thereto.

### PROPERTY RIGHTS

**Mr. Robert W. Runciman (Leeds–Grenville):** "To the Legislative Assembly of Ontario:

"Whereas the Canadian Charter of Rights and Freedoms is silent on property rights; and

"Whereas the Alberta Bill of Rights specifically protects the right to the enjoyment of property; and

"Whereas the Quebec Charter of Human Rights and Freedoms provides that 'Every person has a right to the peaceful enjoyment and free disposition of his property, except to the extent provided by law'; and

"Whereas ownership rights should not be abridged or usurped without due process of law; and

"Whereas owners of all lands affected by expropriation should have the right to be included as parties to

a required inquiry to consider the merits of the objectives of the expropriating authority; and

"Whereas the decision of an expropriating authority should be subject to judicial review; and

"Whereas, subject to specific limitations of law, the right to peaceful enjoyment of one's land must be recognized by Ontario law;

"We, the undersigned, petition to the Legislative Assembly of Ontario as follows:

"To pass Bill 57, the Land Rights and Responsibilities Act, 2006."

I affix my signature.

### WATER QUALITY

**Mr. Norm Miller (Parry Sound–Muskoka):** I have a petition to amend the Clean Water Act. It says:

"To the Legislative Assembly of Ontario:

"Whereas every Ontarian wants the best water quality possible; and

"Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

"Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

"Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

"Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

"Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place."

I support this petition.

### PROPERTY RIGHTS

**Mr. Ted Arnott (Waterloo–Wellington):** I have a petition to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas the Canadian Charter of Rights and Freedoms is silent on property rights; and

"Whereas the Alberta Bill of Rights specifically protects the right to the enjoyment of property; and

"Whereas the Quebec Charter of Human Rights and Freedoms provides that 'Every person has a right to the peaceful enjoyment and free disposition of his property, except to the extent provided by law'; and

"Whereas ownership rights should not be abridged or usurped without due process of law; and

"Whereas owners of all lands affected by expropriation should have the right to be included as parties to a required inquiry to consider the merits of the objectives of the expropriating authority; and



"Whereas the decision of an expropriating authority should be subject to judicial review; and

"Whereas, subject to specific limitations of law, the right to peaceful enjoyment of one's land must be recognized by Ontario law;

"We, the undersigned, petition to the Legislative Assembly of Ontario as follows:

"To pass Bill 57, the Land Rights and Responsibilities Act, 2006."

#### MEMBERS' CONDUCT

**Mr. Robert W. Runciman (Leeds–Grenville):** On a point of order, Mr. Speaker: I'm referencing standing orders 23(h), (i) and (k). Standing order 23(h), "Makes allegations against another member"; (i) references "Imputes false or unavowed motives to another member"; and (k) says "Uses abusive or insulting language of a nature likely to create disorder."

I know that we do not have the ability to challenge the rulings of a Speaker, and I would never do that. However, earlier today, the Speaker ruled on a comment made by the Leader of the Opposition where he used the word "misleading" with respect to government advertising. Mr. Speaker, I would ask you and others who sit in the chair to consider the implications of our concern with respect to that ruling: that one party, through disruption in the chamber, can result in a ruling that impinges on the ability of another to accurately pose questions or take a position in this Legislature. I think that's a very serious concern and I would ask the Chair to respond to our concern at the appropriate time.

**The Acting Speaker (Mr. Michael Prue):** I will take that under advisement and will refer this to the presiding officers' meeting. I would agree with the honourable member that it was a little unruly here today. I think your point may be well taken, and we'll leave it for the Speaker and the presiding officers to consider this at the appropriate time and report back.

#### ANSWERS TO WRITTEN QUESTIONS

**Mr. Robert W. Runciman (Leeds–Grenville):** On a point of order, Mr. Speaker: I'm referencing standing order 97(d), which requires the government to respond to written questions within 24 sitting days. We have the following questions for which answers are due: In the name of the member for Durham, question 194, and in the name of the member for Haliburton–Victoria–Brock, questions 188, 189, 190, 191 and 193. I'd ask that you direct the government to provide responses, as required by the standing orders.

**The Acting Speaker (Mr. Michael Prue):** To the government House leader: I want to remind you that your colleagues are required, under standing order 97(d), to provide answers to written questions within 24 sitting days. The responses are now overdue. I would ask that you give the House some indication as to when the answers will be forthcoming.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I will look into the matter at this time, urgently, I'll say to my friend, and try to ensure that the rule is complied with.

#### ORDERS OF THE DAY

##### TRADITIONAL CHINESE MEDICINE ACT, 2006

##### LOI DE 2006 SUR LES PRATICIENNES ET PRATICIENS EN MÉDECINE TRADITIONNELLE CHINOISE

Resuming the debate adjourned on September 27, 2006, on the motion for second reading of Bill 50, An Act respecting the regulation of the profession of traditional Chinese medicine, and making complementary amendments to certain Acts / Projet de loi 50, Loi concernant la réglementation de la profession de praticienne ou de praticien en médecine traditionnelle chinoise et apportant des modifications complémentaires à certaines lois.

**The Acting Speaker (Mr. Michael Prue):** It was my understanding on the last occasion that Ms. Martel had spoken and had completed her statements. It would now go in rotation to the government bench.

**Mr. Khalil Ramal (London–Fanshawe):** I have the privilege and honour to stand up today and speak in support of Bill 50, the Traditional Chinese Medicine Act, 2006. It's a very important issue before us, before the House. It was debated very well last week and hopefully will continue. And hopefully it will pass, because if this bill passes, it will add another alternative to many people who are seeking some kind of treatment.

As you know, Chinese medicine has been used for thousands and thousands of years in many different parts of the globe. It came to Canada not a long time ago and is being practised across Ontario, across Canada, and has been effective in many different situations. Many Ontarians go to Chinese medicine doctors to seek support and help. It has been proven, through many locations and many times, that its effective treatments help many Ontarians to be cured of certain diseases and illnesses.

It's part of our commitment in Ontario to support and ensure the wellness of the people of this province and also, as much as possible, to prevent illness. It's our duty as a government, it's the duty of the Minister of Health, to make sure that people who live in this province live in good health. We also try as much as possible to prevent many different diseases and many different issues that will cause illness and disease.

This issue was brought before the House years ago, and the minister and many different members of our government caucus worked very hard to conduct information consultations, to go across the province to talk to many



different Chinese doctors, to see how important this bill, if passed, would be for the people of Ontario.

**1550**

They found that there is a need—a big demand and a big request by many health professionals in Ontario—for passing this bill. As you know, many Chinese doctors practised without any licence in the past, and without regulation. It is part of our duty as a government to make sure that all practices, all conduct, all services and regulations in Ontario are done according to the law, and regulated. That's why there is a need for a college to regulate all Chinese medicine and Chinese doctors across Ontario, to make sure all the people who practise in Ontario get a licence. If this bill is passed, an act will be established to make sure all the people who practise will have a licence from a new body, and to make sure all the people who practise Chinese medicine are very well qualified in order to serve the people of Ontario.

So many questions came up about acupuncture. As you know, many people seek this treatment, go to many Chinese doctors, go to many different areas to seek acupuncture treatment, which has been proven to have the ability to cure many people in this province. This bill doesn't speak to that directly but in general. Because doctors of Chinese medicine use acupuncture for a big part of their treatment, that doesn't mean that only Chinese doctors would be practising acupuncture. It will be maintained, and all the people in different professions who use it will continue to use it, according to their ability and their professions.

This bill is important for many people in Ontario. People who come to Ontario have a special degree from China, Taiwan, Australia, British Columbia. They have been working and practising medicine for a long time, but didn't get accreditation. They have no rules. In Ontario they were given the ability to have the title of doctor. Then the title of doctor became an issue, because so many people were saying, "We cannot grant the title of doctor to everyone who is practising Chinese medicine." That's why this title and this issue will be left to the regulatory body that will be established if this bill passes, to determine which person will be entitled to carry the title of doctor and which person will be entitled to only carry the title of practitioner. They can use it on their card, on a banner or on advertisements. It's very important to make sure that all the people who practise in Ontario will be qualified, and all the people who deserve the title of doctor will be granted the title of doctor, and those who do not deserve it cannot have it.

Also, this body will examine the situation, and not just in Ontario. They will seek the support of many different jurisdictions that are using Chinese medicine as a treatment, as an alternative to the traditional medicine we use in Ontario, by learning how they use it and how it should be regulated, whether in British Columbia, Australia, China or Taiwan. They have long experience, long traditions in using this method of treatment. That's why I think it's very important for the board that is going to be established—or the council or the regulatory body—if

this bill is passed, to seek the support and advice of those people who have been using this method for a long, long time.

It's part of our commitment as a province, part of the commitment of the Ministry of Health, to make sure that all the people in the province get treatment in a way that benefits them and the whole province, because it's important to make sure that all the people in Ontario live in good health and have the ability and the chance to seek whatever alternative benefits them and cures them.

It's an important bill. It's an important piece of legislation before us. If it passes, it will make sure that many people who have been prohibited from using this treatment for a long time will be able to use it with comfort and some kind of security, making sure that all who are treating people using this method will be regulated by a body licensed by the government of Ontario, regulated by a body that is well qualified, consisting of a doctor of Chinese medicine and people who have been in the business for a long, long time, who understand the whole atmosphere, the whole situation, what should be done and what should not be done.

It's important, as I mentioned, for the government to step in and give permission to establish regulations and a regulatory body to make sure that all people who are doing this business in the province of Ontario are doing it according to the law. I think we owe the people of Ontario some kind of clarity, understanding and protection. The only way we can protect them is by allowing a special interest group that has the best interests to establish a greater body, and this group will know more about Chinese medicine and how Chinese treatment should be done in the province.

I think this is a great initiative. I want to commend the Minister of Health for bringing it forward. Regulating this profession is very important too because, as I mentioned, the people of Ontario trusted us in this place and have given us the ability, the tools and the mechanisms to make sure everything runs and works in the province of Ontario, and is regulated and running according to the law and regulations.

Chinese medicine has proven through history, through the years, its effectiveness and its ability to cure many people. The technique being used is well proven and well conducted and has given good results by curing many people in Ontario.

Hopefully, all members on both sides of the House will support this bill. If this bill passes, as I mentioned, it's going to be good for all of us, good for all the people of Ontario by creating an alternative for many people in this province who are looking forward to seeing it pass and exist in order to go and seek alternative treatment to regular treatment.

Mr. Speaker, I thank you for allowing me to speak. Hopefully all members will support this bill.

**The Acting Speaker:** Questions and comments?

**Mr. Norm Miller (Parry Sound—Muskoka):** I'm pleased to respond to the member from London—Fanshawe with regard to Bill 50, An Act respecting the



regulation of the profession of traditional Chinese medicine, and making complementary amendments to certain Acts. This bill seeks to introduce a new health professions act with respect to the regulation of traditional Chinese medicine. It would be subject to the health professions procedure code under the Regulated Health Professions Act, 1993.

Of course, with a bill such as this, I believe that patient safety is paramount and should be in the forefront of our discussion. We recognize the importance of regulating this area of medical practice. It's important that we get input from all those who will be affected by the bill, so that the legislation is the best possible.

We look forward to more input and debate on the bill.

**Ms. Andrea Horwath (Hamilton East):** There's no doubt that not only do New Democrats have a great respect for traditional Chinese medicine but also agree that there needs to be regulation of traditional Chinese medicine. What we have concerns with, however, is the bill that's before us, because the bill does have some serious problems and challenges that, the government will know, have been raised already with them in the process that's already taken place. What we would certainly like to see is some assurance that the issues that have been raised by practitioners themselves are taken seriously and taken into consideration so that appropriate amendments are made to make the regulation of traditional Chinese medicine something that all practitioners and all people of the province who use this method of healing and wellness are able to feel good about, feel positive about, and know, without a shadow of a doubt, that we've done the right thing and struck the right balance. That is our concern.

1600

The member spoke a little bit about some of the history, as he identified it, of the use of traditional Chinese medicine. Interestingly enough, one of the practitioners in my community, who is with us today, has provided me with a natural historic outline going back to 300 BC and talking about the separating out of treatments of different types of living beings—not all humans—and how traditional Chinese medicine has been used as a healing and wellness method for quite some time historically.

I'll be talking about that a little bit more when I have an opportunity for longer remarks later this afternoon, but I do say that we certainly support the concept but we really need to see some major issues addressed in this bill.

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** It's a pleasure to have a couple of minutes to speak on this bill and to comment on the comments of my friend Mr. Ramal, from London.

Basically, I think the act we're looking at, An Act respecting the regulation of the profession of traditional Chinese medicine, and making complementary amendments to certain Acts, is long overdue. I could think of large communities within the Toronto area and even throughout other parts of Ontario. But in Toronto, and in particular in Scarborough now, we have a large Chinese

community, and I've gone to some of the stores in that community where they offer and sell these herbs and other types of medicines. At the same time that they sell the herbs, they may have a room set aside for acupuncture treatment or certain other treatments. This has long been going on in Scarborough and Toronto and in other parts of Ontario.

I think it's a matter of regulating it, letting it have some sort of regulatory body to review it to make sure it's done properly. I have had treatments from individuals who are trained in traditional Chinese medicine, and the first thing I was afraid of was whether or not the needles they use are reused. They explained, "No, we recycle them or use new ones each time"—so concerns like that.

There could be people out there who want to practise this who may not use new acupuncture needles and may not use some of the herbs and things that are appropriate to use and may use other substances. So the bill actually will make it safer. It's building on a system of health care that was invented 3,000 or 4,000 years ago and has been successful in a great part of the world. So I'm happy to stand here today and support this bill.

**Mr. Gerry Martiniuk (Cambridge):** I'm pleased to rise and comment on Bill 50 and the learned discussion put forth by my colleague from London—Fanshawe. But from a wider picture, I must say, coming from an area that has such a shortage of doctors, that I wonder why we are discussing this matter today. Though important, surely it does not come up to a par with the lack of doctors and emergency rooms closing in the region of Waterloo. We're not talking about that in this House, and that is the choice of this government. They're trying to cover up the fact that we have a severe lack of doctors.

In my little city of 120,000 people, 20,000 women, children and men do not have family physicians, and now their very emergency ward is threatened. What's being done? This is being done. We're talking about a bill that will not help us in that regard, and the people of Cambridge want to know what is being done.

As a matter of fact, I just put a bill in which for the first time would give government a target to shoot for at least, because we hear, "Well, we increased this by 20%, that by 25% and this by 100%," but it's all meaningless because the per capita ratio of doctors to population in this province is one of the worst in the industrialized world. It is almost twice that of the United States of America, and we're falling back behind the UK. It's an absolute disgrace.

**The Acting Speaker:** The member for London—Fanshawe has two minutes in which to respond.

**Mr. Ramal:** I want to thank the members from Parry Sound—Muskoka, Hamilton East, Scarborough Southwest and Cambridge for speaking and commenting on my speech.

I agree with the member from Hamilton East that there are some questions about why acupuncture does not have the ability to form their own college, but we address this issue. We don't want to duplicate the—

*Interjection.*



**Mr. Ramal:** The issue is that acupuncture is being practised by Chinese medicine doctors and also by other professionals, like physiotherapists and many different doctors, so there's no need for duplicating the whole college and to create another body, since this bill will include all the people who try and choose traditional Chinese medicine.

The member from Cambridge was talking about the shortage of doctors. We know that. When we got elected in 2003, we knew we had a shortage of doctors that was huge, humungous, and many different communities across the province of Ontario were suffering from a shortage of doctors. That's why the people of Ontario elected us in 2003: to solve that issue, to solve that file. I'm proud to be part of a government in which we have a great Minister of Health who increased the medical spots across the province almost by double the numbers, from London all the way to Ottawa, to the north, to the south, to the west, in every spot in the province of Ontario. Also, since yesterday we were talking about the foreign-trained professionals, for instance, we doubled the spots from 90 to 200. Almost 200 spots are being filled this year.

This is a government that cares about the health of the people of this province. That's why we work tirelessly and we work on a daily basis, to make sure we have all the ability and the mechanisms to help the people in Ontario to seek any possible healthy way or alternative to be treated. That's why today we're discussing a very important piece of legislation before us, in order to make a great alternative for the great people of Ontario.

**The Acting Speaker:** Further debate?

**Mr. Ted Arnott (Waterloo-Wellington):** I'm pleased to have this opportunity to speak in the House this afternoon concerning Bill 50, An Act respecting the regulation of the profession of traditional Chinese medicine, and making complementary amendments to certain Acts.

I'm pleased to follow my friend the member for London-Fanshawe, who had the opportunity to speak about this bill just now. In his response to some of the questions and comments that were brought forward by other members of this House, he talked about the doctor shortage in the province of Ontario and how we're responding in this Legislature. I heard him say that the Liberal Party was elected in 2003 in part to respond to the doctor shortage. I would have to question that comment and also question whether or not the government has had very much success in terms of solving the doctor shortage problem. Certainly, there are a significant number of communities in Waterloo-Wellington that have been experiencing for a long time a shortage of family doctors.

I've been nominated to seek re-election to the Ontario Legislature in the new riding of Wellington-Halton Hills, and obviously I'm very interested in getting to know the people in the new part of my riding. I've had the chance to discuss these issues with some of the people who are involved in health care, and there's a huge doctor short-

age problem in the town of Halton Hills, which comprises communities like Acton and Georgetown. Obviously, there is a great deal more that the provincial government needs to do to address the doctor shortage issue.

If you don't have a family doctor, of course, your health care needs tend to be looked after either in a clinic or at an emergency department, and there's very little continuity of care in those sorts of health care settings. Obviously, it's better than nothing, but you don't have the opportunity to get to know your family doctor, to develop a rapport, and for your family doctor to develop a knowledge of your family medical history. So it's not as good as it should be, and we have to do more as a province to address this issue.

But coming back to the bill that's being debated today, Bill 50, An Act respecting the regulation of the profession of traditional Chinese medicine, this bill was introduced in the Ontario Legislature just before Christmas, on December 7, for first reading. It has been before the House since that time. The bill is intended to enact a new health professions act with respect to the regulation of traditional Chinese medicine, and it makes complementary amendments to other acts.

**1610**

It creates a new college. The name of the new college is the College of Traditional Chinese Medicine Practitioners of Ontario, and the new profession is the profession of traditional Chinese medicine. Of course, this new profession is going to be regulated by the effect of this bill.

The scope of practice of traditional Chinese medicine is the "assessment of body system disorders using traditional Chinese medicine techniques and treatment using traditional Chinese medicine therapies to promote, maintain or restore health."

The college council that will be created by this bill will be composed of at least six, and no more than nine, persons who are members of the college, and at least five and no more than eight persons appointed by the Lieutenant Governor in Council. The council shall have a president and vice-president elected annually by the council.

Bill 50 restricts the use of the titles "traditional Chinese medicine practitioner" and "acupuncturist" to members of the college. No person other than a member may hold themselves out as qualified to practise as a traditional Chinese medicine practitioner or acupuncturist. Anyone who contravenes these restrictions is guilty of an offence and, on conviction, is liable to a maximum fine of \$5,000 for a first offence and a maximum of \$10,000 for a subsequent offence.

Other important features of this bill include the definition of "drug" under the Drug and Pharmacies Regulation Act being amended to exclude any natural health product, to ensure consistency with federal drug legislation. This will ensure that natural health products may be used in the practice of the profession. The definition of "drug" is also amended under the Ontario



Drug Benefit Act to include the new definition under the DPRA, and includes any substance supplied under the Ontario Drug Benefit Act before the act comes into force. The definition of "drug" is amended under the Drug Interchangeability and Dispensing Fee Act to include the new definition under the DPRA, and include any substance designated as an interchangeable product before the act comes into force.

This bill also amends the Regulated Health Professions Act in the following way: It allows members of this new college to use the title "doctor."

The bill amends Ontario regulation 107/96, controlled acts, under the Regulated Health Professions Act, 1991, by revoking the provisions allowing anyone to perform acupuncture. The bill adds provisions allowing acupuncture to be performed by members of colleges and persons registered to practise under the Drugless Practitioners Act. Persons who perform acupuncture as part of an addiction treatment program within a health facility will also be permitted to perform the procedure.

This bill has received a limited amount of debate in the Legislature, having been called for second reading, I believe, about two weeks ago. The Minister of Health led off the debate, and I was present in the House for his speech and his remarks. Of course, our party's health critic, the member for Kitchener-Waterloo, responded. So there hasn't been a great deal of debate in this Legislature on this issue, although I know that for a number of years, there has been discussion initiated—actually, by the previous government—with people who are interested in this issue. A great deal of work has been done, which has led us to the point we're at today, where there is a bill before the Legislature.

I think it's most important, because there are a number of outstanding concerns about this issue, that people who are concerned about this particular bill and the government's approach on this issue be given an opportunity to bring those concerns to a standing committee of the Legislature. It's my understanding that the Minister of Health and the government are willing and prepared to send this bill to committee, and I would suggest that that's the appropriate course of action. I'm glad that our party called for hearings, and I'm glad that the government has agreed to allow those hearings to take place. On an issue such as this, that's so important for the health care of the people of Ontario, we have to make sure that we get it right, and I think that by more public hearings by a committee of the Legislature, everyone who has an interest in this issue will have an opportunity to speak to it. Hopefully, all of us will listen to those discussions that take place at committee, and the bill will be considered for amendments and improvements so as to ensure that the public safety of patients in Ontario is protected.

Now, I know that our party has a number of aspects that we are highlighting with respect to this issue. Our caucus recognizes the importance of regulation in this area of medical practice. In fact, we recognize that many Ontarians want choice in medicine and regulation in this

area and would want the government to ensure that patient safety is protected. Certainly, they would expect that the government would do nothing less.

We have also heard from many stakeholders who believe that there has been inadequate consultation on the bill and that the length of time that they have had to prepare their presentations was insufficient. The government apparently did not leave enough time available for some of the people who were interested in this bill to make their presentations informally to the government before the bill was presented, so more discussion needs to take place. Again, our party is strongly recommending that the government commit to send this bill to committee and hold public hearings. Again, it's my understanding the government has expressed their willingness to do that.

I know that when our party was in government, the Health Professions Regulatory Advisory Council was asked to make recommendations on the best method of regulating traditional Chinese medicine and some other related alternative medical practices. I know that our caucus is quite concerned about the discrepancies between the government's bill, this Bill 50, and the recommendations that were made by the HPRAC, which of course is an important advisory committee to government made up of medical experts whose opinions we should obviously listen to and heed.

Some of the background on this bill, I think, is relevant to this debate as well. The Regulated Health Professions Act, 1991, was proclaimed in this Legislature on December 31, 1993, back when the New Democrats were in power. I remember those debates quite vividly. That was an important piece of legislation that received a great deal of debate and was a long time coming in terms of the consultation that took place with people who are interested in health issues. It was a significant piece of legislation for the NDP government at that time. That bill, now that law, provides a framework for regulating health professions that provide the majority of health services in Ontario. Currently, 23 professions are regulated under 21 profession-specific acts.

I'm told that if the Traditional Chinese Medicine Act, 2006, is passed into law, this Bill 50, it will be the first time that a new health profession has been regulated in Ontario since 1993. This will make Ontario the second province in Canada, after BC, to regulate traditional Chinese medicine and the fourth in Canada to regulate acupuncture. Again it would appear that Ontario is breaking, to some degree, new ground on this issue—all the more reason to ensure that we take the time to get it right.

This bill is intended, I'm told, to fulfill a Liberal campaign promise. Of course, the government is very sensitive to charges from the opposition about broken promises. Our caucus has pointed out from time to time that the Liberal caucus—they don't really appreciate hearing this, but there have been a significant number of promises that were made during the election campaign in 2003; we think about 50. Perhaps another one has been



broken today; I don't know if we should add to it. Our caucus brought forward an opposition day motion last Wednesday raising this issue and the government voted it down. But I think it's important that we draw those issues to the attention of the Liberal members from time to time when there are opportunities to do so. However, this would appear to be an effort on the part of the government to actually keep a promise. So this would make it news.

The bill is intended to fulfill the Liberal campaign promise to enhance public protection for those who choose to use alternative approaches to health care, beginning with the regulation of traditional Chinese medicine. Again, that's my understanding of the commitment that was made by the Liberal Party in the last election.

HPRAC produced two key reports in this area. The first was in 1996, while our party was in government, regarding acupuncture, and an updated report on traditional Chinese medicine and acupuncture in 2001. Both reports, I'm told, recommended the regulation of traditional Chinese medicine and acupuncture under the Regulated Health Professions Act, so this bill is consistent with that part of the HPRAC recommendations.

However, HPRAC recommended to the Minister of Health that the profession of traditional Chinese medicine be regulated with (1) a distinctive scope of practice and (2) four controlled acts authorized to the profession, including communicating a traditional Chinese medicine diagnosis, performing a procedure on tissue below the dermis for the purpose of acupuncture, prescribing and dispensing natural health products, and prescribing, dispensing and compounding Chinese herbal remedies.

1620

Unfortunately, Bill 50 does not act on these specific recommendations. Bill 50 lacks a distinctive scope of practice and fails to refer to any controlled acts authorized by the profession. The scope of practice—this is a point that I know our party's health care critic made reference to in her speech two weeks ago—as outlined in Bill 50 is very, very broad. The practice of traditional Chinese medicine is the assessment of body system disorders through traditional Chinese medicine techniques and treatment using traditional Chinese medicine therapies to promote and maintain or restore health. I'm told that this bill does not authorize the performance of controlled acts to the profession.

So again, even though the Health Professions Regulatory Advisory Council, HPRAC, made specific recommendations about how this bill ought to be regulated, it would appear that the government has ignored the specific recommendations to some degree and has a much broader scope of practice included in Bill 50 than HPRAC would have recommended.

I know that there are some stakeholders who are very supportive of this legislation. Obviously, I respect that and respect their view, but from our perspective in opposition, we have an obligation to bring forward the concerns of people who feel that their views have been

given short shift or their perspective has been ignored by the government in terms of legislation or the policy of the government. We are bringing forward some of those concerns during the context of this debate.

I'm told some acupuncturists object to the fact that, under Bill 50, acupuncture will not be recognized as a health profession in Ontario, as it is currently in Quebec, Alberta, British Columbia and 48 states in the United States, but merely as a modality or a technique. As a result, they believe practitioners in Ontario will not have equal status with their professional counterparts in many areas of the world, and across Canada as well.

There has been objection to the access granted to members of all 23 regulated health professions to practise acupuncture in accordance with the standards of practice of the profession. It should be noted that this objection is not shared by all, in particular, chiropractors and physiotherapists, who have been practising this treatment for over 30 years. Currently anyone can perform acupuncture, and certainly that underlines the need for some degree of legislation.

I had the opportunity to meet with a family doctor in my riding about eight or nine years ago. He was quite insistent that we had to get together and talk about an issue, but he was quite secretive about what he wanted to discuss. I went to his office, we sat down, and he informed me that he had recently been approached by a number of people to see if he could perform acupuncture on them to alleviate pain in, I believe, their spinal area. He had initially resisted the request because he was very skeptical, actually, about whether or not the acupuncture would work, but he was intrigued and professionally interested in the procedure. He looked into it, and he was able to educate himself as to how it was done. He thought that if his patients were requesting the service, perhaps he should give consideration to performing it.

He was surprised, he told me, by the incredible positive impact that the procedure had on his patients who had otherwise been experiencing severe back pain. So you have a doctor here who goes into it with a great deal of skepticism about whether or not it's going to be effective, and he thought it was important to tell me, as his member of provincial Parliament, the great success that he'd had with the procedure. He'd come away from this experience converted to the benefits of acupuncture.

A number of the members in the House in the course of this debate have talked about some of the medical procedures that they've undergone. I can't say that I've ever experienced acupuncture as a patient, but I would relate that story and that anecdote to the House because I think it is of some interest. Obviously, there are many thousands of patients across the province who believe in this, have had very positive success with the procedure and are very supportive of this.

Another concern we're hearing from some stakeholders is the disapproval of the emphasis on traditional Chinese medicine. There has been a request made to rename Bill 50 as the Traditional Chinese Medicine and Acupuncture Act, to create a college of TCM and



acupuncture of Ontario, and to include title protection for "doctor of acupuncture." This is an issue that, again, has been brought forward and that apparently has not yet been satisfactorily resolved through Bill 50. Hopefully, during the course of discussions at committee, there may be a chance to address this through amendments.

I want to bring forward a number of other concerns that have been brought forward by some of the health stakeholders.

I'm told the Ontario Physiotherapy Association has said they believe acupuncture should be treated as a controlled act and included in the scope of physiotherapy, as well as other providers such as physicians and chiropractors. The Ontario Physiotherapy Association apparently does not support limiting the scope of practice of acupuncture to TCM practitioners, physicians, nurses and dentists. I'm told that this particular organization, the Ontario Physiotherapy Association, has said that the recommendations of the Liberal task force should not be allowed to circumvent the process of HPRAC in making changes to the Regulated Health Professions Act, and that this task force is an entirely Liberal initiative, without input and consultation from other parties—fairly strong criticism from the physiotherapists in the province.

I know that the director of McMaster University's contemporary medical acupuncture program, a Dr. Elorriaga, has said that regulation of traditional Chinese medicine or any other form of non-conventional medicine should be regulated separately and not based in providing a monopoly on any one single technique—more so when there's no evidence that a separate knowledge from biomedicine is required to use the technique. That is an issue that's been identified by the director of McMaster's contemporary medical acupuncture program, obviously something that we would not want to dismiss out of hand.

I'm told that Dr. William Wine, who is a licensed acupuncturist and the Canadian regional director of the American Naturopathic Medical Association, has significant concerns as well that he has articulated, but I find that I've run out of time. Thank you very much for listening to me. I appreciate it.

**The Acting Speaker:** Questions and comments?

**Mr. Rosario Marchese (Trinity-Spadina):** I will be speaking next, for 20 minutes or so, and so I'll leave the bulk of my comments for that time, except to say that the member for Waterloo-Wellington raises the issue of hearings. That is a critical part of this debate, because we know that various members of the Liberal Party were part of consultations, and they spoke to a fair number of people. What we want are hearings that are open and obviously accessible to everyone so that they can bring forth all of the concerns they have with respect to this bill.

For sure, you will have many who will simply accept the bill as is, but you will also have others who will say, "This bill can be improved and must be improved." You're going to get a variety of different opinions, and it hopefully will make this bill better, assuming the Liberal

government will accept those changes that we are going to propose, that Shelley Martel, our health critic, has already proposed, and some of the concerns the member for Waterloo-Wellington has raised. All of that, I have no doubt, will be part of those hearings.

I haven't heard the minister talk about how eager or how interested he is to have full hearings far and wide—including your area, possibly, member from Wellington. Who knows? I don't know. We're certainly interested in making sure that we travel around the province and get a good sense of what people have to say about traditional Chinese medicine and acupuncture and the regulation of this profession as put forth by the Liberal Party.

1630

**Mr. Richard Patten (Ottawa Centre):** I'd like to comment on a couple of things the member from Waterloo-Wellington identified. I gather, seeing that he spent most of his time kind of repeating the nature of the bill, that he's sympathetic and empathetic and supportive.

Both this member and the member from Trinity-Spadina identified hearings, and I can assure you that the minister is prepared to have hearings and to listen to a variety of people who would like, some perhaps again—as you may know, there was a task force that did travel fairly extensively last summer throughout Ontario. By the way, that was open; that was not by invitation. It was open to anybody. We had people from all walks of life and from a variety of professions—indeed, many from regulated professions—and others who were practitioners.

We have with us today the president of the Toronto School of Traditional Chinese Medicine, Dr. Mary Wu, who has been gathering information and who has made some very good suggestions. She still has some suggestions related to this particular area. But I want to assure that we will do that.

The other thing is that there are assumptions about the nature of the college. Of course, that's to be expected when you propose that it's up to the college to develop their particular standards, their regulations. One thing about that is that people get nervous. There are some guidelines that are in the bill.

My time is almost up. Perhaps I'll comment on it later in another two-minuter, but to reassure people that the important thing is getting the very best there to do the job that is going to serve us all.

**Mr. Miller:** It's my pleasure to add some comments to the speech by the member from Waterloo-Wellington, who does such an excellent job and who I'm sure will be representing the people of Wellington-Halton Hills after the next election.

The PC caucus recognizes the importance of regulation in the area of medical practice that is traditional Chinese medicine, as put forward by Bill 50. We recognize that many Ontarians want choice in medicine, and regulation in this area would allow the government to ensure that patient safety is protected.

We've also heard from many different stakeholder groups that there hasn't been enough consultation on this



particular bill, and there have been concerns raised to do with this bill. So I do ask that it go to committee so that there can be more input from various groups. We've got different stakeholders who are in favour of the approach of the bill and others that are not. I know that physiotherapists and chiropractors think the approach is okay, and there are various acupuncturist groups that don't think it's okay.

The member from Waterloo–Wellington brought up broken promises in the health field, commitments that this government has broken so far. I note, in the short time I have, that there are, of course, some 50 broken promises we've counted so far, but many have to do with the health field, like funding medically necessary health care services. What has the government done? They've delisted eye exams, chiropractic care and physiotherapy care. Promise 13: They promised to cancel P3 hospitals in Brampton and Ottawa, and of course they haven't done that. They were going to hire 8,000 nurses. Well, they're a long way from doing that. The health tax itself is a broken promise—they were going to spend every penny of that new health tax on health care. Of course, they haven't done that. Lately, they're going to unclog emergency rooms, and we're seeing huge challenges with some 20 emergency rooms around the province.

**Ms. Horwath:** In making some remarks about the speech by the member from Waterloo–Wellington, I was pleased to hear some of the comments by the member from Ottawa Centre. What he raised in the discussion is the issue that New Democrats have been bringing to this debate since our critic first waded into the issue, and that is around not only the need to get more of those perspectives and concerns out in the open and discussed and debated among the various stakeholders in this bill, but also the fact that we have to be very respectful and cognizant of traditional Chinese medicine, of its history and of the different types of treatment that exist within that envelope of treatments called traditional Chinese medicine, as well as what some other professionals who provide treatments are doing. What are the differences? What does that mean? How, then, do we create a bill that does what practitioners want, which is to bring the profession, the practice of traditional Chinese medicine into a scope of regulation where they can assure the public—who are, in many ways, turning to non-Western methodologies in terms of treatment and health care, who are looking for these kinds of solutions and who are acknowledging the many centuries of tradition and healing and alternatives that go into traditional Chinese medicine.

What New Democrats would say is that this is certainly an important first step. We need to make sure that government is hearing stakeholders who are saying, "Let's make it right. It's too important not to make it right." Let's make sure there are fulsome public hearings so that we get it right and do the right thing by traditional Chinese medicine practitioners.

**The Acting Speaker:** The member from Waterloo–Wellington has two minutes to respond.

**Mr. Arnott:** I want to welcome members of the public who are here in the visitors' galleries today. I think they're demonstrating a great deal of interest in this issue and I'm very pleased that they're able to join us to listen to some of the debate that's taking place on this issue this afternoon.

To the member from Trinity–Spadina, I want to thank him for his kind comments. I'm pleased that he's speaking next and I look forward to hearing his perspective on this issue. I'm sure he's given it a great deal of thought and will bring forward the views of his constituents on this issue in a very interesting way, as he always does.

To the member for Ottawa Centre, I want to thank him for his response to my speech. I understand the member for Ottawa Centre had a great deal to do with the development of this bill. From what I see in Hansard, a question from the member from Markham before he resigned his seat in the Legislature made reference to a number of his colleagues who were asked to consult with Ontarians on the best way to regulate traditional Chinese medicine and acupuncture, and the member for Ottawa Centre was among those.

I also want to thank him for presenting the private member's bill that he brought forward today, which had to be done because the member for Don Valley West was elevated to cabinet as Minister of Education and the bill had previously stood in her name, this bill being the bill that was initiated by students at Georgetown high school who were trying to encourage a greater degree of recycling in our high schools. It's a bill that I would have been happy to bring forward if I'd been aware that there was a movement to do that, but apparently the government wants to keep it all in the family, and that's just fine. I'll certainly be supportive of that bill when it comes forward for second, and hopefully third, reading debate. I would hope that that happens.

I want to thank the member for Parry Sound–Muskoka for his kind comments. Again, the member talked about the need for committee hearings and greater consultation on this issue—of course, I would agree, as did the member for Hamilton East in her two-minute response—and the need to get this right, because it's so important to protect the public in Ontario. I hope the government will listen to the discussion that takes place at public hearings when this bill is sent to committee.

**The Acting Speaker:** Further debate?

**Mr. Marchese:** It is a pleasure to speak to this bill. I have a diverse community in my riding. The biggest linguistic community is Portuguese Canadian and the second-biggest is Chinese Canadian, right in the middle of Chinatown—Spadina and Dundas. We have a growing community, in fact, east of Spadina and west of Spadina. So people like me have good knowledge of the fact that many of my constituents actually adhere to traditional Chinese medicine and acupuncture. But it isn't just limited to Chinese Canadians, because we've known for a long time that many people have taken an interest, and a growing interest, in alternative therapies to health care.

In my view, it was just a question of time until we regulated this profession. Remember, at the moment,



anybody can practise acupuncture—anybody. That's not something we should be happy about, because we don't have any standards at the moment. We don't know who's practising, because anybody is practising, and can be, if they want.

1640

The purpose of Bill 50 is to regulate this profession, and in this regard, it is an important thing. We support regulation. We support it because we believe that protecting the public with respect to the delivery of health care services is important, and we want to make sure that those who practise are qualified, are competent health care providers, are knowledgeable professionals and have successfully completed a great deal of study and work in this field. We want to be sure that that is the case, and everybody wants to be sure that they're getting care from people who have practised in this field.

We, as New Democrats, regulated many professions, as some of you know, and as the member from Nickel Belt, who is our health critic, stated. From 1991 to 1993, we regulated approximately 23 professions under the Regulated Health Professions Act, and we were in the process of reviewing bringing in traditional Chinese medicine and acupuncture as part of those professions that should be regulated. Ruth Grier, the minister at the time, was actually doing the work to include that as part of the regulated health care service. It didn't happen in time. By the time we were asking the questions about what and how, Mike Harris came along, and that changed the whole scenery for a long, long time.

But we now have this opportunity to debate this bill, and we're pleased. We New Democrats support regulation, as do the Liberals. But there are some serious limitations of the bill that our health critic, the member from Nickel Belt, spoke about that I want to address as well, and I think the way she puts it is very useful.

The government says it wants to stop having just anyone perform acupuncture. She agrees; New Democrats agree.

The government also says that the performance of acupuncture will be regulated to ensure that the service is provided by qualified and competent individuals. Our critic agrees; we agree.

The government says that those who work in a health facility and provide acupuncture as part of an addiction treatment program should be able to do that. We agree with that as well.

But the bill as drafted, not just in the opinion of the member from Nickel Belt but in our opinion and in the opinion of others I will quote in a few moments, allows every health professional in every regulated health profession to perform acupuncture. Further, because each of those health care professionals can perform acupuncture in accordance with the standard of their profession and within the scope of practice, there really doesn't seem to be any minimum standard regarding what our health critic expects from someone who is delivering acupuncture. There doesn't seem to be any minimum level of training, educational experience, practical experience or

historical experience that is applied and will be applied in common to everybody who wants to practise acupuncture in Ontario.

This, in our view, is part of the problem that hopefully the member from Ottawa Centre will address, because it appears that he is carrying this bill. If he does, then we will see amendments to this bill, and we need to see amendments to this bill in order for it to be the bill we all can agree on.

Ms. Lombardi is a member of an association and a committee supporting the perspective that I am about to reveal by quoting her. She's the president of the Ontario Association of Acupuncture and Traditional Chinese Medicine. That association includes others: James Yuan, president, Canadian Association of Acupuncture and Traditional Chinese Medicine; Luheng Han, director, Committee for Certified Acupuncturists of Ontario; Jing Yuan, president, Ontario Acupuncture Association; and Jia Li, chairman, Ontario Examination Committee. This group says the following:

"Bill 50 removes the exemption on acupuncture, making it a part of the controlled act of 'a procedure below the dermis.' However, in the same sentence, it exempts all 23 regulated health professions, all health professions regulated under the Drugless Practitioners Act (naturopathic doctors) and all those individuals practising acudetox for addictions, allowing them to continue to practise acupuncture with their own standards. This means, effectively, that presently no regulation for the practice of acupuncture exists. There are still going to be 26 different standards of education and training for the practice of acupuncture; these multiple standards put the public at risk," says the group. Some of you may disagree with this, but you need to treat this seriously. These are serious individuals who practise in this field and raise good points that I happen to agree with.

The group also says the following:

"The traditional Chinese medicine community was hopeful, after several rounds of government consultations, that the government would create a regulation to clearly distinguish between the profession of acupuncture (based on years of training and education within the traditional Chinese theoretical model) and the adjunct modality being practised by physiotherapists and chiropractors with very little training. The public perception has always been that all acupuncture is the same.

"Unfortunately, the Ontario Liberal government gave us Bill 50, which is seriously flawed. It ignores the fundamental principles of professional regulation: public safety, professional standards, and professional equality."

They raise important points that need to be heard by all three political parties. It's possible you may have heard them when you did your round of discussions, but they're not reflected in the bill. It's good to have the hearings because we will hear what I've just read on the record again, and we hope that the government will listen as a way of strengthening Bill 50 and as a way of making it possible for people like me to support this bill.

I know that the member from Ottawa Centre mentioned Dr. Mary Wu, who is present here today. She



was mentioned by my colleague who is now the Minister of Citizenship, then a regular member of the Liberal Party. In his remarks, he too mentioned Dr. Wu and, on page 5008, talks about Ms. Wu, her other friends and the fact that they support this bill. We understand that. We also know—and I hope Dr. Wu doesn't mind us quoting her remarks in response to the remarks made by the health critic from Nickel Belt. She says, "I like the idea of setting minimum standards for all the regulated health care professions who wish to include acupuncture in their scope of practice. But I do not think that all professions should be allowed to practise acupuncture as they wish."

Just to remind you, Ms. Wu has a slew of credentials that I want to read for the record. She is the founder and president of the Toronto School of Traditional Chinese Medicine, which offers a Doctor of Traditional Chinese Medicine diploma program that includes five academic years, 4,420 hours; an acupuncture diploma program that includes three academic years, 2,260 hours; a Chinese herbal medicine diploma program, three academic years, 2,260 hours; tuina massage diploma programs, three academic years, 2,260 hours; and she is a practitioner of TCM diploma program, four academic years, 2,880 hours. She is the founder and co-director of the Traditional Chinese Medicine and Acupuncture Schools Council of Canada, executive council member of the World Federation of Traditional—it's just a long list. I don't know how you did it. So when she says, "I like the idea of setting minimum standards for all the regulated health care professions who wish to include acupuncture in their scope of practice," I take it seriously. I am hoping the member from Ottawa Centre does as well, and all the others.

1650

The fact that there is no minimum standard speaks to the problem of Bill 50. Understand that there are a number of practitioners who simply go for a course, maybe a continuing education course or some course offered by some of these practitioners for 30 or 40 hours, possibly—maybe more; I don't know—and they're qualified to do acupuncture. It just isn't right. When I read in the record what Dr. Wu does or did and the depth of the study to be able to do traditional Chinese medicine and acupuncture, which takes thousands and thousands of hours and years and years of study, to then allow anyone of the health regulated professionals to do it with a mere, what, six months' training or a couple of months' training is simply inadequate, wrong. It's problematic, and it could be dangerous. Why dangerous? Because, as they remind us, there's some of the traditional Chinese medicine, including acupuncture, that causes many problems if not done correctly—meaning it leaves you, as a patient, very vulnerable. Meaning that when you go to any one of these practitioners, you don't know what you're getting. It could be good; it could be bad. It could be deleterious to your health.

So including a minimum of practice, minimum standard, is critical to the reform of this bill. What is the minimum standard? The member from Nickel Belt recommended 200 hours, based on WHO, the World

Health Organization, which suggested 200 hours as a minimum. But again, compare that to Dr. Wu's hours of study, which includes thousands and thousands of hours. With a minimum requirement of 200 hours, it's not much. Better than 30 hours; better than 40 hours. At least it includes a minimum. We don't have that in this bill. That is the problem and the weakness of this bill. To simply say we're going to support it now in the hope that someday this government will make it better, or another government will make it better, is not the correct approach.

The member from Nickel Belt looked at the scope of practice of all of the regulated professions, and none of them include acupuncture—none of them. We're allowing these 23 regulated health professionals to be able to do acupuncture, but nowhere in her review—because she called each and every one of them—does it in the scope of practice include acupuncture. That's a serious weakness. It speaks to the fact that we haven't done an adequate amount of work in doing this bill. We want to make it better. When it comes to the matter of the standard of practice, yes, acupuncture is included in some professions in terms of a standard, but not all, and it all varies from one regulated profession to the other, meaning, once again, that there is no harmonized standard across all those regulated professionals who can practise traditional Chinese medicine and acupuncture. So when the government allows these professions to practise, I remind you: no scope of practice that includes acupuncture, and the standard of practice is so irregular that we're leaving ourselves very vulnerable.

You might say, "Well, they're chiropractors." You might say, "Oh, my goodness, they're physiotherapists." You might say that they're massage therapists. You might even say, "They're doctors. They should be able to do this." If that is the case, why is it the case that people like Dr. Wu took years and years and years of study and thousands and thousands of hours to do? It means it isn't that simple, that the process is complex. So we urge the member from Ottawa Centre, who obviously stated here that he wants to make this bill a little better, to take our concerns into account, the concerns raised by Dr. Wu and the concerns raised by the association members that I mentioned to you as well.

Just to bring another little thought into the debate, the association members I talked about earlier—Ms. Lombardi being one of the spokespeople—say this: "Bill 50 has also granted the title of 'doctor' to those individuals who meet the criteria to be set by the new college of traditional Chinese medicine "and approved by the Lieutenant Governor. However, in Bill 50, doctors of traditional Chinese medicine "are not given any of the rights" or "privileges of any of the other regulated health professions also granted use of the title 'doctor.'"

"For example," traditional Chinese medicine "doctors will not have the right to communicate a diagnosis," will not "be able to order tests or X-rays or move the joints of the spine beyond their normal physiological range" etc. Traditional Chinese medicine "doctors will not have access to any of the controlled acts, meaning that the title



of doctor holds no authority in the eyes of the law. It is simply an 'honorary title' offered to please the Chinese community. This seems unfair to those"—

**Mr. Patten:** Who's saying this?

**Mr. Marchese:** The group that I mentioned—"individuals with many years of medical training in addition to extensive training in traditional Chinese medicine and acupuncture."

These are two issues that I wanted to raise here today in my remarks, reminding those who want a little more in-depth view of this that the member from Nickel Belt, who is the New Democrat health critic, has spoken to this for a whole hour. Those who wish to have a little more in-depth look, please review the Hansard; we can get it for you if you want. But what we want is those public hearings to allow these groups to come to the committee and speak to how we can make this bill better, so as to treat those who have a great deal of experience seriously and with the dignity they deserve, and also to make sure that those who get service from traditional Chinese medicine and acupuncture get the best service that is offered by them, that it's the most secure and the healthiest that you can give. That's what we want to be able to get from that committee.

We want to work with the Liberals on this to make it better. If that doesn't happen, people like me are going to say no to this bill, and I'm assuming our colleagues are going to follow suit in that regard.

**The Acting Speaker:** Questions and comments?

**Mr. Patten:** I always enjoy my colleague from Trinity-Spadina, his enthusiasm and his insight. He's absolutely correct. He began by suggesting that this was an attempt to protect the public, to regulate something where standards were no longer present, that someone in short order, after a weekend, might be able to hang up a shingle and say, "I'm an acupuncturist." That's not good enough and nobody supports that.

By the way, this is complex; believe me.

*Interjection.*

**Mr. Patten:** I share that. It's very complex. We are dealing with a multiplicity of professions, therapies, looking at standards and accepting into another culture a cultural tradition of health and treatment from another society. As a matter of fact, it's already here, so we've got to organize it. So it's really organizing it, making sure that people are protected, making sure that whoever is using it is indeed using it in the appropriate fashion and within the scope of practice.

The member did say one thing which I fear I must correct him on, that all of the professions were exempt and somehow they could all do whatever they wanted in terms of acupuncture, for example. That is not true. That will not happen. You will not have a dentist who uses acupuncture and may use this in the gums or in a part of the structure of the teeth and bones—he or she is not going to be using this in your left arm or in your toe or this kind of thing. That is regulated within the college of dentistry. Each college does have some standards and does suggest activity—I wish I could speak longer—for each of those and the TCM college will be looking at

putting pressure on each of them for how you are going to—

**The Acting Speaker:** Questions and comments?

1700

**Mr. Miller:** It's my pleasure to add some comments to the speech from the member from Trinity-Spadina on Bill 50. I know he has a large Chinese population in his riding and has a keen interest in this bill.

I note that "In 2001, the Health Professions Regulatory Advisory Council (HPRAC) recommended to the minister that the profession of traditional Chinese medicine be regulated with 'a distinctive scope of practice ... and four controlled acts authorized to the profession,' including

"(1) communicating a TCM diagnosis;

"(2) performing a procedure on tissue below the dermis for the purposes of acupuncture;

"(3) prescribing and dispensing natural health products; and

"(4) prescribing, dispensing and compounding Chinese herbal remedies."

Bill 50 does not act on these specific recommendations.

What is the McGuinty government doing to improve your health care—the big issue today here at question period? Well, they're running ads. They're spending millions of taxpayer dollars through the same firm that created the famous "I won't raise your taxes" ad—that's Bensimon Byrne—and the ad claims that you can call a number to find out how to reduce your wait times. This is in fact not correct, and just more "Say anything to get elected" from the McGuinty government. But that's what they're spending the precious health dollars on: ads that will not benefit anyone at all and in fact mislead people into thinking that they'll be able to shorten their wait time for certain procedures, when in fact they're not able to do that.

*Interjection.*

**The Acting Speaker:** Yes, I believe the member is correct on the use of that word. It should be withdrawn.

**Mr. Miller:** I withdraw that word.

**The Acting Speaker:** Further questions and comments?

**Ms. Horwath:** It's my pleasure to make a few remarks about the speech from the member from Trinity-Spadina, putting out on the table not only some of the things that we have in agreement as New Democrats in regard to the regulation of traditional Chinese medicine and acupuncture, but also some of the serious issues that need more debate and that continue to need to be reviewed by the government in the process of bringing this bill to its final stage. I think it's very clear, by some of the quotes my colleague brought to the discussion and some of the remarks he was able to highlight from people who are intrinsically involved with the practice of traditional Chinese medicine, and are extremely hopeful that we will actually get to a point of regulating TCM and regulating acupuncture, that they see it as being in their best interests.



However, they also acknowledge and recognize, as the member from Trinity–Spadina raised, and as the NDP health critic, Shelley Martel, raised in her speech, that there are serious concerns with the way the bill currently addresses a couple of issues, particularly the amounts of hours required in study to be able to claim oneself as a practitioner fully qualified and regulated under this act of traditional Chinese medicine, particularly of acupuncture, as well as the realization that if we do not do the right thing, if we do not take these issues to their most serious end, we could end up in a situation where—and the member from Trinity–Spadina was very clear and I agree with him 100%—we do more harm than good. We certainly don't want that. We want to hear the practitioners. We want to reflect on their expertise and centuries of knowledge and we want to make sure that the bill is reflective of that so that we end up with good legislation.

**Mr. Peter Fonseca (Mississauga East):** I am delighted that our government is bringing this piece of legislation forward and that we are so supportive of complementary alternative medicine.

Millions of people all over the world, maybe billions, have been helped, have been cured, have been saved by traditional Chinese medicine, I being one of those who has been helped by acupuncture—and many others. Jean-Marc Lalonde has been helped. Back here, the minister, Mike Colle, has been helped by this.

Traditional Chinese medicine is rooted in thousands of years of practice. There are many practitioners of traditional Chinese medicine who have put in thousands of hours of study and thousands of hours of practice. They deserve the recognition. They deserve to be recognized, some as doctors, but to be regulated to make sure that all the people in this province—12 million people—can be assured that, when they seek out a different type of medicine that maybe they're not used to, like traditional Chinese medicine, it will be safe, they will be making the right choice and it will lead them to the best practice, the best care they can get in traditional Chinese medicine, be it tuina, herbal medicine or acupuncture.

Today that's not the case. Today the case is that people are out there just hanging up shingles and can be doing acupuncture. For too long this has gone on in an unsafe manner. This piece of legislation is going to bring safety to traditional Chinese medicine in the province. It is going to allow many to be helped and cured, as many have been in the past.

**The Acting Speaker:** The member for Trinity–Spadina has two minutes in which to respond.

**Mr. Marchese:** I thank all the speakers, and I want to address myself to two: the member from Mississauga East and the member from Ottawa Centre.

First of all, New Democrats quite clearly support traditional Chinese medicine and acupuncture. That's not in dispute, I'm assuming, because based on my speech, which I thought he heard, he would not have deduced that, from the comments that he made. So we are in agreement with that.

Secondly, we are not in disagreement with the idea of having regulations. I'm assuming, based on the fact that

he heard my speech, he agrees with me in that regard as well.

So putting that aside, the comment that I wanted the member from Mississauga East to reflect on, including the member from Ottawa Centre, is the following—because he was trying to correct me, and I'm going to try to correct him. His own bill says, in section 18(2), “A person who is a member of a college is exempt from subsection 27(1) of the act for the purpose of performing acupuncture in accordance with the standard of practice of the profession and within the scope of practice of the profession.” That's what your bill says.

I remind you, member from Ottawa Centre, that what I said is that when we look at all the professions, acupuncture does not figure in at all in their scope of practice—at all. Now you say to me that you're going to chat with them and you're going to force them to do so and so. It's not in the bill. And in terms of the standards of practice of acupuncture, they vary from profession to profession. Please, speak to those issues. Don't blah, blah, blah about how wonderful this is, because we agree with that.

**Hon. Mike Colle (Minister of Citizenship and Immigration):** It is wonderful. What have you got against TCM?

**Mr. Marchese:** And to the Minister of Citizenship, who's right behind me yapping, and is my good friend, what I say is this: We need to have minimum standards and we don't have—

**Hon. Mr. Colle:** You did nothing on this for—

**The Acting Speaker:** Stop the clock, please.

Order, please. The minister is not in his seat. The minister is creating quite a disturbance. I would suggest, if you wish to heckle, that you should be back over in your seat.

**Mr. Marchese:** Can you put some seconds back on here? Give me some seconds.

**Hon. Mr. Colle:** Okay. Give me a minute.

**The Acting Speaker:** I did stop the clock.

Now, the Minister of Citizenship and Immigration knows far better than to do what he's doing. I would suggest that you allow the honourable member sufficient time to finish his statement.

**Mr. Marchese:** The Minister of Citizenship wasn't here at the time when I made my speech, but I'm glad he's here now. And we're friends; that's not the issue.

The point is, there is no minimum standard set in this bill, and that's what we need. We are for regulation and we are for minimum standards, and that is lacking in your bill. You need to work on that. You, the government, need to deal with that, otherwise—

**The Acting Speaker:** Further debate?

1710

**Mr. Kuldip Kular (Bramalea–Gore–Malton–Springdale):** It's always a pleasure to take part in a debate on health care issues, such as Bill 50, the Traditional Chinese Medicine Act, 2006.

First of all, I want to not only commend the Minister of Health and Long-Term Care for bringing this bill



forward, I also want to congratulate him in keeping public safety as the number one priority when bringing this bill forward. As you know, at present anybody can perform acupuncture, but Bill 50, the Traditional Chinese Medicine Act, is seeking that any Ontarians who want to have acupuncture services—they can only go to a person who would be qualified to do acupuncture. This bill is not only to ensure that the regulated health professionals may perform acupuncture, but this bill also gives Ontarians the choice of who they wish to receive the acupuncture services from.

During the debate, the honourable member from Waterloo–Wellington has mentioned that the Traditional Chinese Medicine Act is about fulfilling the McGuinty government's election promise. Mr. Speaker, let me tell you, this bill, entitled the Traditional Chinese Medicine Act, 2006, is not only about fulfilling a promise to Ontarians; it's about enhancing protection for Ontarians who choose alternative methods or approaches to health care.

This bill is also about promoting wellness and preventing illness. This bill is about setting the standards of practice. It's about setting the requirements for getting into Chinese medicine professions. It's about ensuring that members of the Chinese medicine profession are up to date on recent developments in their own field.

Mr. Speaker, this bill, Bill 50, is also about setting a complaints and discipline process of their members. It's about public safety. This bill is also about being accountable to a regulatory college.

Let me tell you what the Canadian Society of Chinese Medicine and Acupuncture says about this bill. The Canadian Society of Chinese Medicine and Acupuncture insists "on traditional Chinese medicine regulation" and does not "tolerate anyone who jeopardizes the progress of regulation."

This bill not only sets up standards for Chinese medicine, but it also allows the Health Professions Regulatory Advisory Council to give some advice, guidance and recommendations to the traditional Chinese medicine regulatory college. The Health Professions Regulatory Advisory Council will help to set the educational requirements needed to use the title "doctor."

This bill is about Ontarians' safety. It's not only fulfilling the McGuinty government's election promise, even though, if this bill is enacted, it will definitely be one of the promises fulfilled for Ontarians' health safety. I would urge all members on all sides of this House to support this bill, so that any alternative medicine is regulated in this province.

About a year and a half ago, there was a parliamentary delegation visiting Canada from Italy. They came here and played a soccer match with parliamentarians from Canada. I was one of the players there, and I strained one of my muscles. An acupuncturist was there. As a family doctor turned politician, I was at first skeptical about it. I said, "Let me see what an acupuncturist does to my strained muscle." She did some acupuncture and, let me tell you, what a relief from the pain I was getting from the strained muscle.

Since then, I have felt that it's very safe to bring acupuncture into this province as a regulated profession. I definitely support this bill, and I want all the members of the Legislature to pass this bill.

**The Acting Speaker:** Questions and comments?

**Mrs. Julia Munro (York North):** It's a pleasure to be able to take the next couple of minutes to respond to the discussion on Bill 50. I think that many people appreciate the importance of providing consumer protection. We have it in many, many areas of our lives, and obviously one of the areas in which we are most vulnerable is health care. I think this particular piece of legislation provides an opportunity for the people of this province to feel a security and comfort in knowing that the intent of the bill is to ensure the kind of regulatory framework that would allow a very long-standing practice, that of acupuncture, and a very long-standing field of medicine, traditional Chinese medicine, to achieve that kind of recognition and status in our community. I think that many people—frankly, thousands of people—have experienced, as certainly members in my own family have, the benefits of traditional Chinese medicine and of acupuncture itself. I think the importance of this bill is as a first step in providing the kind of consumer protection that the people of this province, quite frankly, deserve.

*Interjections.*

**The Acting Speaker:** Order, please.

The member from Hamilton East.

**Ms. Horwath:** Again, I want to take the opportunity to make a few remarks on the member's speech, but really to reiterate the belief New Democrats have, which our critic has put on the record and which my colleague from Trinity–Spadina put on the record not too long ago, that we support the regulation of traditional Chinese medicine. But we support it with the understanding that the government is going to take what we currently have in front of us, which is more or less a draft, that they will hear very clearly and take under advisement some of the very legitimate concerns that have been raised by stakeholders and by members of this Legislature in regard to how to make the bill better, and that they will move forward in a committee process that will allow for a broader consultation and for public hearings to be undertaken, so that people can come and debate with the government—maybe "debate" is the wrong word, but certainly put on the record with the government through the committee process more specifics around their concerns, and particularly the thing we're concerned about: What happens if those concerns are not taken to heart? What happens if the government decides to simply ignore the knowledgeable issues that have been raised, the knowledgeable factors that have been brought to the fore by Dr. Wu, by Natalie from my community. I'll be reading some of her comments into the record very shortly. If we don't do that, then in fact what we are doing is failing the traditional Chinese medicine practitioners in Toronto, in Hamilton and in every other community of this province, because we have not respected their knowledge and we have not respected their tradition



in a way that is appropriately reflected in the bill that we're going to move into legislation.

1720

**Mr. Jeff Leal (Peterborough):** It was a pleasure for me to listen to my colleague the member from Bramalea-Gore-Malton-Springdale, who himself was, before coming to this place, a very distinguished family physician in the Brampton area.

This is a rather short bill, six pages in length, but in many ways Bill 50 is a very historic bill for this Legislature, to recognize the very important role of traditional Chinese medicine in the delivery of health service in Ontario. It seems to me that this could be one of the rare times in the Legislature when all three parties, I hope, will come together on a bill. I think we all mutually share the broad framework objectives that have been clearly articulated in the bill—an opportunity to take this bill to committee, to go out to various communities throughout the province to listen to these very skilled professional men and women who are currently practising under the umbrella of TCM in the province, to hear their views on the bill, to in fact improve the bill and hopefully bring it back to this House, and we'd have, as I said, one of those opportunities to have unanimity when it comes back for final approval.

There are a number of items in the bill: to create an autonomous self-governing college; to set standards of practice at a very high bar; to establish requirements for entry into the profession; to ensure that members are up to date on recent developments in their field; and of course, very important for consumer protection, to develop a complaints and discipline process for members like the college of physicians and surgeons that we now have in the province to take complaints to.

**Mr. Miller:** We've certainly heard from many different speakers that this bill really needs to have input and needs to go to committee. We're at second reading debate right now.

We note from the stakeholders we've heard from that there are differing opinions on what should happen. We've heard that some acupuncturists object to the fact that under Bill 50 acupuncture will not be recognized as a health profession in Ontario, as it is in Quebec, Alberta, BC and 48 states in the US, but merely as a modality or technique. As a result, they believe practitioners in Ontario will not have equal status with the rest of the world. Those are acupuncturists. We also have objections to the access granted to members of all 23 regulated health professions to practise acupuncture in accordance with the standards of practice of the profession. It should be noted that this objection is not shared by all of them. In particular, chiropractors and physiotherapists who have been practising this treatment for over 30 years would like to be able to continue. Also, there's disapproval of the emphasis on traditional Chinese medicine and a request to rename the bill the TCM and Acupuncture Act and create a college of TCM and acupuncture of Ontario and include title protection for "doctor of acupuncture."

Those are some of the concerns we've heard from the stakeholders. It's obvious that what this bill needs to do

now is get out to committee so the many people who will be affected by the bill can give input and improve the bill so it protects the public and also works for those people in the profession of acupuncture or traditional Chinese medicine. We look forward to this bill going out as soon as possible to committee, with lots of advertising so those affected will be aware of the committee hearings and will be able to give public input to this Bill 50.

**The Acting Speaker:** The member from Bramalea-Gore-Malton-Springdale.

**Mr. Kular:** I want to thank the honourable member from York North, the honourable member from Hamilton East, the member from Peterborough and the member from Parry Sound-Muskoka.

When this bill was initially brought forward, the group called CSCMA, the Canadian Society of Chinese Medicine and Acupuncture, was kind of skeptical about it, but at this point in time the majority has come in support of this bill and wants traditional Chinese medicine to be fully regulated so that Ontarians' health is safe, and so that Ontarians can count on alternative types of medicine, maybe traditional Chinese medicine, which will help them with their sickness. All over the world not only millions, but billions, have already gotten help from traditional Chinese medicine.

I think this bill, if enacted, will definitely make traditional Chinese medicine another step to help deliver health care in this province. I really want to thank all the members of this House who, at the end of the day, will support this bill.

**The Acting Speaker:** Further debate?

**Ms. Horwath:** It's my pleasure to have an opportunity to raise some issues about Bill 50 that I think are important and put on the record some of the things that I have heard from members of my own community, as well as through some of the documentation, not only in terms of various pieces of correspondence but also in records of some of the debate that has already taken place, that is to be found in our Hansard records.

One of the things that I think is extremely important to acknowledge and celebrate is the additions, the benefits, that a growing Chinese community has brought to my city, the city of Hamilton. I had the pleasure and honour, when I was a city councillor representing the area where many Chinese small business owners operated, to work together with them to try to encourage the continuance of small business in Hamilton, operated and owned by the Chinese members of our community. I can tell you that they are people of great integrity, great drive and great dedication.

In the context of traditional Chinese medicine, I have to say that my opportunities weren't very many at the time that I was a city councillor because I didn't spend much time with practitioners of traditional Chinese medicine when I was in that role. However, I was recently enlightened and made aware of the importance of this legislation in my role as a member of provincial Parliament, when I had the pleasure of meeting and talking to an amazing woman in the city of Hamilton, a woman who came from China a mere five years ago and



has become a huge success in our city as a practitioner of traditional Chinese medicine.

I'm speaking of Nathalie Xian Yi Yan, who is with us today, and who has actually come to the House every time this bill has been debated because she's extremely interested and concerned about what she sees as lacking in this bill. I'm going to speak to that, because it's not simply what Nathalie has raised with me; interestingly enough, at the very beginning of my education that she so graciously provided me in regard to traditional Chinese medicine, she raised many points in anticipation of a bill coming forward that in fact have been reflected in comments that have been provided by other practitioners around what needs to happen to make sure the bill is the right bill, the appropriate bill, the bill that does the things we want to see done in regard to the regulation of traditional Chinese medicine and acupuncture. Unfortunately, at this point in time—we all know it and it's been said many times—anybody in Ontario can hang out a shingle, can put some fancy words around their name, having no requirements for any particular education, no requirements for any particular training, no requirements for any kind of justification at all, no verification at all of their understanding of the practice of acupuncture; nothing at all for the consumer, the person in the community who's looking for an alternative, who's looking away from Western medicine, which may not have provided the kind of health care options, the kind of results, not only in terms of disease prevention but in terms of wellness, pain relief and all kinds of areas.

1730

I'll read out some of the other areas that traditional Chinese medicine envelopes, because it's more than acupuncture, but I did want to raise the issue that acupuncture particularly is one of those issues that, as my friend Rosario Marchese from Trinity-Spadina indicated, is something that can cause harm.

In the context of these practitioners having said, not just within the context of Bill 50 but historically in Ontario for several years now, that they want to see regulation, that it will do them good to have regulation—in fact, the traditional Chinese medicine community believes that “regulation is a very important step for our profession.” This is a quote that was in the *Vitality* magazine article written by Marylou Lombardi. It says: “The ... (TCM) community believes that regulation is a very important step for our profession. It will increase credibility in the eyes of the public and force us to create high standards for the practice of our profession. We also believe that regulation is necessary for the future growth and development of the profession.”

There are other practitioners who have been involved in this debate, in this discussion and in the consultation that the government members put together to bring us to this point, which is debate on the draft bill that's in front of us, a bill that from my perspective is a draft because we have to make some amendments to it, and I look forward to that.

One of the things that is extremely problematic is this whole debate over whether or not minimum standards

exist, and exist to the expectation of the practitioners who have participated in the discussion. It's causing some friction, it's causing some tension, because there are people who are very seriously concerned that the standards don't exist. Notwithstanding what some of the members of the government side are saying, that continues to be the case to this moment today with the bill that's in front of us.

First of all, though, just for the benefit of getting it on the record, because I think it's an important distinction that maybe people are not aware of, there's a difference between TCM acupuncture and something that is called adjunct acupuncture. This is the difference between the real, historic, traditional, centuries-old type of acupuncture and the acupuncture that is practised in many cases by other health professionals like chiropractors, for example, or RMTs—registered massage therapists—or physiotherapists. Maybe not massage therapists, but there are certain other practitioners who do provide acupuncture specifically within the narrow scope of pain relief as part of the other types of treatments they provide for people in the scope of pain relief. TCM, specifically, is performing a procedure on tissue to below the dermis and membranes for the purpose of acupuncture for health promotion, disease prevention and treatment according to the diagnosis and differentiation of traditional Chinese medicine.

As we heard earlier from my colleague Rosario Marchese from Trinity-Spadina, and as I heard so clearly from Nathalie Xian Yi Yan from Hamilton, the people who practise traditional Chinese medicine acupuncture within the scope of traditional Chinese medicine have thousands and thousands of hours of training—over 4,000 hours of training—and have many years of experience as well in the provision of that kind of treatment. So it's quite different from a physiotherapist, for example, which was my experience not too long ago. My physiotherapist did a fine job, so I'm not disparaging her work. But it was specifically for pain relief, and she was very clear with me that she had had a couple of hundred hours of training in acupuncture at McMaster University, which is a very well-respected health care teaching university in my community that's associated with a teaching hospital. Nonetheless, the point was that a couple of hundred hours as an adjunct acupuncture treatment is what my professional, who was a physiotherapist, provided me with, the extra after doing physiotherapy. Going through some pain relief opportunities in traditional or regular physiotherapy formats, we moved on to acupuncture specifically for the pain relief.

I have to tell you, it was a fine experience. I have no complaints whatsoever. But I can say to you quite clearly that I can see the distinction between the kind of treatment I received and the kind of treatment we're talking about when we're talking about acupuncture in relationship to traditional Chinese medicine. They're quite different, because the other type of acupuncture is described as being—and this is adjunct acupuncture—“a procedure on tissue below the dermis for the purpose of acupuncture pain relief in conjunction with other modal-



ities, such as western medicine, physiotherapy and chiropractic adjustment, according to human anatomy and physiology.” So that, in the crux of it, is the issue around what we’re talking about when we’re talking about acupuncture and the scope of practice.

At this point in time—and it has come up many times before, and I’m going to be putting it again on the record—acupuncture is not a controlled act. Anybody can perform acupuncture in the province of Ontario. This comes from the remarks of my health critic, in terms of some of the things that she was putting on the record. She’s a very thorough person, as you know, and when it comes to her role as the health critic, she understands how important it is to examine the issues and bring to the table educated debate, because health care, particularly in this context—Bill 50, the possible regulation of TCM and acupuncture—is extremely important. The people of Ontario deserve to have that kind of thoughtful critique which particularly opposition critics bring forward when it comes to these kinds of bills.

What Ms. Martel, the member from Nickel Belt, says is, “under section 8 of the regulation itself, acupuncture is exempt from being a controlled act. The bill proposes to revoke that exemption, meaning stopping just anybody from hanging out a shingle and performing acupuncture, by revoking paragraph 1 of section 8 of the regulation. But if you look at section 18 of the bill”—and this is something my colleague from Trinity–Spadina raised as well—“in the very next paragraph, the government proposes the following: ‘A person who is a member of a college is exempt from subsection 27(1) of the act for the purpose of performing acupuncture in accordance with the standard of practice of the profession and within the scope of practice of the profession.’”

As was indicated, going through the scope of practice of the various professions, it becomes very clear that acupuncture is not identified as a scope of practice of any of those other professions. The problem is that you’ve left a blank slate, you’ve left a gaping hole, and that is absolutely problematic and something that New Democrats are extremely concerned about.

One of the issues that came up is the issue of using the term “doctor.” I know Nathalie has raised that issue as well and has made some specific recommendations around who should be able to be considered a doctor. I’ll read you some of them because I think it’s really clear that the issue of who could be called a doctor—the word “doctor” is something that we, here in Ontario, here in Canada in fact, and probably anywhere, have an automatic understanding in our minds about, what that means, if you’re a doctor in relation to the provision of health care. When we think of the word “doctor,” we automatically know, in our current realm of understanding of that word, that it connotes a certain amount of study, a certain amount of expertise, and a certain amount of documentation and assurance that in fact the person who we’re dealing with in regard to our health care provision is someone who is credentialed, someone who we can be sure has gone through the rigours of the appropriate learning, examination, experience and training.

1740

For example, one of the suggestions is that the title “doctor” be reserved for graduates of a four- or five-year full-term degree program at a university of traditional Chinese medicine, followed by one year of clinical internship, who are currently practising TCM full-time; graduates from an accredited medical school with an MD in Western medicine who are currently practicing TCM full-time, and who have taken a one-year, full-time continuing education TCM program or a two-year apprenticeship with a qualified TCM doctor. There are several others: graduates of other regulated health professions from an accredited university currently practising TCM full-time who have taken two years of continuing education in a TCM program or three years of apprenticeship with a qualified TCM doctor—again, several different examples, the point being that the people who are practising traditional Chinese medicine, who have been trained for thousands and thousands of hours, are saying not to allow the word “doctor” to be used unless we are sure that the qualifications, the understanding, the value, and the confidence that we put in the word “doctor” is in fact reflected in the requirements that this legislation, this bill, is proposing to put on practitioners of traditional medicine.

Unfortunately, there’s a bit of a concern about whether or not that is what is being contemplated in the bill. In fact, the way the bill is written right now, the “doctor” title will not give TCM practitioners the authority it gives other doctors to undertake various controlled acts that are set out in legislation: for example, communicating a diagnosis; setting a fracture or dislocation; inserting an instrument, hand or finger; injection; inhalation; prescribing, dispensing, selling or compounding a drug; vision care; hearing care; dental care; allergy testing. In other words, the issue becomes that if other doctors in the province of Ontario currently have access to controlled acts, and if in fact we are saying that traditional Chinese medicine practitioners are going to be considered doctors, then why is it that they are not going to be having access to these other kinds of controlled acts as currently identified?

What we don’t want to see, then, is the questioning of that term. We want to make sure that as we move forward with this bill, it’s a bill that is clearly going to identify not only for myself, having some experience and having taken some time; not only for the members of this Legislature, who sit through the debates and are likely learning more than they’ve ever known before about traditional Chinese medicine and acupuncture; not only for the people who are current clients of practitioners of traditional Chinese medicine; and not only practitioners of traditional Chinese medicine—but that in fact, as I stated at the very beginning of my remarks, everyone, people who have only heard of the term “traditional Chinese medicine,” will have a common understanding, common confidence and common security in the knowledge that when we go forward with the regulation of traditional Chinese medicine, we’re doing so in a way that completely respects, completely acknowledges and



completely sets out the standards and requirements that we want to see, so that we can all equally have that confidence and, as I mentioned at the beginning, so that people can be encouraged.

The West has its way of doing things. Our traditional way of dealing with health care issues, wellness and disease is relatively young when you think about traditional Chinese medicine methodology. Again, I was going to say at the beginning what some of that is, and now I've lost my note on that; hopefully, I'll find it before the end of my discussion. Acupuncture is one of them, herbal medicines or herbal treatments is another, and there are a couple of others that I will hopefully find. But the bottom line is that if we, as humans, are prepared to be open to and enlightened by the cultures and traditions of the Chinese people, who have been doing this kind of not only study but practice for thousands and thousands of years, it only serves us in a positive way to open our minds to the kinds of opportunities they bring to us.

We often talk—and I did at the beginning as well—about the bountiful gifts the Chinese community has brought to my city of Hamilton. One of those is this very new way of dealing with health and wellness, and with disease and pain. If we are only given, let's say, the security, as western people who have a certain model, a certain scope of the way we've traditionally dealt with our particular health care experiences, and we open our minds to the possibilities and let ourselves experience the gifts and the enlightened way that traditional Chinese medicine practitioners bring, the wholeness of the being—again, talking to my friend Nathalie, she explained to me many things, including what to eat and what not to eat, how to deal with your day and how much to sleep.

Needless to say, there is much that we can learn, but we can't be secure in that knowledge unless we have a proper scope of regulation in this bill.

**The Acting Speaker:** Questions and comments?

**Mr. Berardinetti:** It's a privilege to have an opportunity to make a few comments on the remarks by the member from Hamilton East.

The bill in front of us is not a very long bill, but I just want to point out a couple of key provisions. The bill restricts the use of the titles "traditional Chinese medicine practitioner" and "acupuncturist" to members of the college. So once this college is established, only those people who are members of the college can use the titles "traditional Chinese medicine practitioner" or "acupuncturist." It says here, "No person other than a member may hold themselves out as qualified to practise as a traditional Chinese medicine practitioner or acupuncturist. Anyone who contravenes these restrictions is guilty of an offence and on conviction is liable to a maximum fine of \$5,000 ... and ... \$10,000 for a subsequent offence." So the college does have a certain standard that will be set up.

I also want to draw members' attention to section 7 of the bill, which restricts the titles: "7(1) No person other

than a member shall use the titles 'traditional Chinese medicine practitioner' or 'acupuncturist', a variation or abbreviation or an equivalent in another language."

Only those who have that title can use that. With respect to traditional Chinese medicine, this bill will create an autonomous, self-governing college with the authority to set the standard of practice, establish requirements for entering into the profession, ensure that members are up to date on recent developments in their field, and develop a complaints and discipline process for members. I can see no one better to do this than those who actually practise it and are members of the college.

So the bill is strong and, in my view, watertight, and provides proper protections so that acupuncture and TCM can be practised properly in the province of Ontario.

**Mrs. Munro:** I'm pleased to be able to add a few comments in the debate today. I think that many of the speakers have referenced the intent of this bill and the support of this bill, but also recognize that hearings need to be conducted after second reading, because this is an opportunity to break into new ground in terms of recognition of acupuncture and traditional Chinese medicine. It seems to me, as we have heard from various practitioners and experts, that there is more work for this government to do in terms of providing the kind of consumer protection that each of us thinks is paramount.

1750

I think also, in the moment that I have, it's important to recognize as well, in making sure that we're moving in the correct manner to achieve our goal of recognition and consumer protection, that this speaks to the broader public issue in the area of health care, and that is that one of the consequences of a greater globalization or the shrinking of the planet is, of course, the fact that we have the opportunity to learn and understand and appreciate health patterns and regimes that have been in place, in some cases, for many generations, and traditional Chinese medicine, of course, is one of these. So as we learn more and as we become a community which relies on a wider variety of health care options, it's very important that we set the stage correctly for all Ontarians.

**Mr. Gilles Bisson (Timmins-James Bay):** I was listening intently to the debate of members here this afternoon from my office, and it's an interesting issue. I was a bit surprised. I was contacted in my constituency office by a couple of people who practise some of the traditional medicines or traditional practices that are listed—and would be listed in this bill, should it pass—and I was surprised at the opposition.

I assumed that there would be a fair amount of support from within the community in regard to wanting to go further, and I've not had a chance to sit down and really discuss with them what their key concerns are, other than what my staff have told me at morning meetings that we have every morning. So I just want to say, I heed the caution that I'm hearing in this debate that we really need to make sure that this bill goes to committee and that we don't end up in committee forever for the bill not to come out, but really try to do the job that needs to be done in order to make sure that the specific concerns addressed



by the practitioners and those who are patients of traditional Chinese medicine are heard.

I think we need to go forward—that would be my gut instinct—and certainly support the direction of what we're trying to do, but clearly there's not unanimity out there, and if I'm getting phone calls in the constituency of Timmins–James Bay, where you wouldn't expect to hear a lot about this, I've got to believe that it's probably louder in other communities where it's practised in larger numbers.

I must say, however, there have been, over the last 10 or 15 years, many people in my community of Timmins and others who are turning to traditional medicines as a way to deal with their illnesses and are getting quite good success. So if the practitioners are the ones who are charged and currently responsible for treating people who choose to go that route because they find that conventional medicine doesn't work for them, I think we need to hear what they have to say.

The only other thing—and I hope I'm going to get a chance to do this when I get further debate—is the issue of grandfathering. I support the concept of grandfathering. I only wish the government had done the same thing when it came to other regulated professions that they didn't give the same grandfathering provisions to, but I'll talk about that a little bit later.

**Mr. Kular:** As has been said time and again during the debate about Bill 50, at the present time any person can perform acupuncture in this province, and the Ontarians who want to receive acupuncture have no idea whether the person who is giving the service of acupuncture or the practitioner of traditional Chinese medicine is qualified or not.

As a family doctor, I very well know that physicians and surgeons in this province are regulated by the College of Physicians and Surgeons of Ontario. In the same way, Bill 50 is seeking to have a regulatory college to set standards of a high kind of medicine in the area of traditional Chinese medicine. The college will definitely set high standards so that the persons who receive acupuncture or natural products are regulated and are very sure that those things are safe. By bringing this bill forward, the Minister of Health and Long-Term Care has made public safety the number one priority of this bill.

I would again urge all the members of this Legislature to support this bill so that it becomes an act. Thank you very much, Mr. Speaker.

**The Acting Speaker:** The member from Hamilton East has two minutes to respond.

**Ms. Horwath:** I want to thank all of the members who made some remarks on what I had to say.

I thought I would complete my remarks by saying this, and I'm quoting, again, from the article I mentioned earlier: "The traditional Chinese medicine community was hopeful, after several rounds of government consultations, that the government would create a regulation to clearly distinguish between the profession of acupuncture (based on years of training and education within the traditional Chinese theoretical model) and the adjunct modality being practised by physiotherapists and chiropractors with very little training. The public perception has always been that all acupuncture is the same.

"Unfortunately, the Ontario Liberal government gave us Bill 50, which is seriously flawed. It ignores the fundamental principles of professional regulation: public safety, professional standards, and professional equality....

"Bill 50 removes the exemption on acupuncture, making it a part of the controlled act of 'a procedure below the dermis.' However, in the same sentence, it exempts all 23 regulated health professions, all health professions regulated under the Drugless Practitioners Act ... all those individuals practising acudetox for addictions, allowing them to continue to practise acupuncture with their own standards. This means, effectively, that presently no regulation for the practice of acupuncture exists. There is still going to be 26 different standards of education and training for the practice of acupuncture; these multiple standards put the public at risk....

"From a legal perspective, the fact that the other 23 regulated health professions, plus health professions regulated under the Drugless Practitioners Act ... and those using acupuncture for acudetox, are included in this piece of legislation suggests that 'The College of TCM' is authorizing or allowing these other professions to practise any style of acupuncture, including TCM-based acupuncture."

That is the crux of one of the issues we need to clean up in committee, in the process of getting this bill right, because everybody wants to see the regulation, and we want to see it done properly. Thank you, Mr. Speaker.

**The Acting Speaker:** The time now being 6 of the clock, this House stands recessed until 6:45 this evening.

*The House adjourned at 1757.*

*Evening meeting reported in volume B.*

## ERRATUM

No.	Page	Column	Line(s)	Should read:
102	5211	2	54	<b>Mr. Runciman:</b> I ask the Premier once again to show some



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Norman W. Sterling, Kathleen O.Wynne  
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# CONTENTS

Wednesday 11 October 2006

## MEMBERS' STATEMENTS

<b>Members' comments</b>	
Ms. MacLeod.....	5361
<b>Poverty</b>	
Ms. DiNovo.....	5361
<b>Cancer research</b>	
Mr. McNeely.....	5361
<b>Climate change</b>	
Ms. Scott.....	5362
<b>Rockton Fair</b>	
Mr. McMeekin.....	5362
<b>Coal-fired generating stations</b>	
Mr. Yakabuski.....	5362
<b>Kent County Agricultural Hall of Fame</b>	
Mr. Hoy.....	5363
<b>World Mental Health Day</b>	
Mrs. Sandals.....	5363
<b>Water quality</b>	
Mr. Wilkinson.....	5363

## FIRST READINGS

<b>Education Amendment Act (School Waste Reduction), 2006,</b>	
Bill 147, <i>Mr. Patten</i>	
Agreed to.....	5364
Mr. Patten.....	5364

## MOTIONS

<b>House sittings</b>	
Mr. Bradley.....	5364
Agreed to.....	5364

## STATEMENTS BY THE MINISTRY AND RESPONSES

<b>Transit services</b>	
Mrs. Cansfield.....	5364
Mr. Tabuns.....	5367
<b>Northern economy</b>	
Mr. Bartolucci.....	5365
Mr. Miller.....	5366
Mr. Bisson.....	5367

## ORAL QUESTIONS

<b>Health care</b>	
Mr. Tory.....	5368, 5369
Mr. McGuinty.....	5368, 5369
<b>Education funding</b>	
Mr. Hampton.....	5370, 5371
Mr. McGuinty.....	5370, 5371
<b>Government appointments</b>	
Mr. Tory.....	5372
Mr. McGuinty.....	5372

## Disability benefits

Mr. Prue.....	5373
Mr. McGuinty.....	5373

## Bridge safety

Mr. Milloy.....	5373
Mrs. Cansfield.....	5374

## Long-term care

Mrs. Witmer.....	5374
Mr. Smitherman.....	5374

## Aggregate extraction

Mr. Tabuns.....	5375
Mr. Ramsay.....	5375

## Hydro rates

Mr. McNeely.....	5375
Mr. Duncan.....	5375

## Services for the developmentally disabled

Mr. Dunlop.....	5376
Mr. McGuinty.....	5376

## Mental health services

Ms. Horwath.....	5376
Mr. Smitherman.....	5376

## Environmental protection

Mrs. Mitchell.....	5377
Mr. Ramsay.....	5377

## PETITIONS

### Electricity supply

Mr. Miller.....	5377
-----------------	------

### Prescription drugs

Mr. Berardinetti.....	5377
-----------------------	------

### Health card registration office

Mr. Hudak.....	5378, 5379
----------------	------------

### Long-term care

Ms. Martel.....	5378
Mr. Martiniuk.....	5379

### Immigrants' skills

Mr. Leal.....	5378
Mr. Delaney.....	5379

### Water quality

Mrs. Elliott.....	5378
Mr. Miller.....	5380

### Gasoline prices

Mr. Martiniuk.....	5380
--------------------	------

### Property rights

Mr. Runciman.....	5380
Mr. Arnott.....	5380

## SECOND READINGS

### Traditional Chinese Medicine Act, 2006, Bill 50, *Mr. Smitherman*

Mr. Ramal.....	5381, 5383
Mr. Miller.....	5382, 5387, 5391, 5394
Ms. Horwath.....	5383, 5388, 5391, 5393, 5394, 5398

Mr. Berardinetti.....	5383, 5397
Mr. Martiniuk.....	5383
Mr. Arnott.....	5384, 5388
Mr. Marchese.....	5387, 5388, 5392
Mr. Patten.....	5387, 5391
Mr. Fonseca.....	5392
Mr. Kular.....	5392, 5394, 5398
Mrs. Munro.....	5393, 5397
Mr. Leal.....	5394
Mr. Bisson.....	5397
Debate deemed adjourned.....	5398

## OTHER BUSINESS

### Visitors

Mr. Bisson.....	5368
Mr. McMeekin.....	5368
The Speaker.....	5368
Mr. Ruprecht.....	5368
Mr. Dhillon.....	5379

### Members' conduct

Mr. Runciman.....	5381
The Acting Speaker.....	5381

### Answers to written questions

Mr. Runciman.....	5381
The Acting Speaker.....	5381
Mr. Bradley.....	5381

<b>Erratum.....</b>	<b>5398</b>
---------------------	-------------

## TABLE DES MATIÈRES

Mercredi 11 octobre 2006

## PREMIÈRE LECTURE

<b>Loi de 2006 modifiant la Loi sur l'éducation (réduction des déchets dans les écoles), projet de loi 147,</b>	
<i>M. Patten</i>	
Adoptée.....	5364

## DEUXIÈME LECTURE

<b>Loi de 2006 sur les praticiennes et praticiens en médecine traditionnelle chinoise,</b>	
projet de loi 50, <i>M. Smitherman</i>	
Débat présumé ajourné.....	5398





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of Ontario**  
Second Session, 38<sup>th</sup> Parliament

**Assemblée législative  
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Deuxième session, 38<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 11 October 2006**

**Mercredi 11 octobre 2006**



**Speaker**  
Honourable Michael A. Brown

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 11 October 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 11 octobre 2006

*The House met at 1845.*

## ORDERS OF THE DAY

### PLANNING AND CONSERVATION LAND STATUTE LAW AMENDMENT ACT, 2006

### LOI DE 2006 MODIFIANT DES LOIS EN CE QUI A TRAIT À L'AMÉNAGEMENT DU TERRITOIRE ET AUX TERRES PROTÉGÉES

Resuming the debate adjourned on October 2, 2006, on the motion for third reading of Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts / Projet de loi 51, Loi modifiant la Loi sur l'aménagement du territoire et la Loi sur les terres protégées et apportant des modifications connexes à d'autres lois.

**The Deputy Speaker (Mr. Bruce Crozier):** Further debate?

**Mr. Michael Prue (Beaches—East York):** As I indicated last time, I have this uncanny ability to find myself in bifurcated speeches: half one day and half the next. I'm looking to see exactly how much time I have, but it isn't up there. I think it's around—oh, there it is; 19 minutes and 10 second left.

On the last occasion, just to recapture a little bit of what I said, there were a couple of major points I made that I'd like to reinforce.

The first was that this bill, through one of its amendments—I believe it was amendment 91; I don't have it in front of me now, but it was an amendment put in at the very last second by the government members in committee—took away the rights of the city of Toronto that had been negotiated, that had been the subject of the City of Toronto Act and that had been agreed to by all parties, including the mayor and council of the city of Toronto only some six weeks before; that is, this Legislature passed the new Stronger City of Toronto for a Stronger Ontario Act in June, and then in August we found ourselves taking away some of the key components found in sections 113 and 114 of that act, which have now been rendered moot.

I had an opportunity, between the time when I spoke on the last occasion and today, to question the Minister of Municipal Affairs and Housing in estimates committee. I

asked him bluntly—I think I was as blunt as I could possibly be—why they had gone to all the bother and negotiated with the city of Toronto, why they keep reinforcing and saying that they treat the city of Toronto as a mature partner when the ink was hardly dry on the bill that was passed in June and here we were in August taking away the rights that the city of Toronto expected to have.

The minister said, and to his credit was equally blunt, that no, they did not consult; no, they did not tell the minister; and no, they had no intention—I guess—of doing so. He didn't say the “no intention,” but they didn't consult. They didn't tell anybody. In my speech, I used a word—I'd like to thank Hansard, because I think they doubted it for a moment. I said that this government had literally absquatulated with the rights of the citizens of Ontario.

Just as an aside, Hansard came and said they couldn't find the word “absquatulated” in the dictionary. It's a wonderful word. I had to send them to an American dictionary. They had to go to Webster's, because it will not be found in any of the English or etymological dictionaries. It will only be found in Webster's. It's an American word. It means to make off in the night. So it can be like a thief, but I'm not suggesting that kind of motive. It says, “To make off into the night, to do under cover of darkness, to take away something that is not yours under cover of darkness.”

This is what I think they did. I suggest that the only reason this government had to do this was because the city of Toronto was in the process of challenging, and was going to challenge, this government around the port lands energy project. They were going to use the powers this government had given them, much to the horror of this government. And when the action was taken in committee, next day the bulldozers quite literally arrived on the port lands area of the city of Toronto, that area which all of us, as citizens who live here—not mere tourists like some people who come to Toronto on business and go home, but those of us who live here—thought was going to be a clean and green space, the rejuvenation of the land along the waterfront, and that Toronto could join the great cities of the world that have reclaimed their waterfront. Unfortunately, we will have a blighted smokestack, some huge, whirring engines that make noise, and the pollution that comes out of it.

1850

I suppose that is this Liberal government's dream—one that the citizens of the city of Toronto do not share



and that, through this bill, you have been able to ensure you get your way over the wishes of the mayor, members of council, the community, the neighbours who live in close proximity, the environmental groups, the energy groups, and Robert Fung, who has since been replaced as waterfront czar. Every single person has been opposed, but you have used this bill to squash any hope the city of Toronto had to be in opposition.

I also talked on the last occasion about the citizens' rights that you've taken away in this bill, and you didn't even attempt to hide it. What was accomplished here has to be a developer's dream: Citizens, who for the entire existence of the Ontario Municipal Board have been able to challenge a decision they do not like, who have been able to go to the Ontario Municipal Board to challenge a decision made by the municipality that they think is going to negatively affect them, cannot do so now unless, and save and except, they were present at the hearing and actually spoke to it. They can't find out after the fact. They can't have had the temerity, the unmitigated gall, of being away on vacation when the hearing was held. Even if they write a letter in opposition, they will not be informed of their right to appeal under the terms and conditions of this bill.

I asked that question of the members opposite on the committee, and when the lawyer who was present said, "Yes, they do not have to be informed if they signal their opposition in writing," they voted for it anyway. This is a taking away of the democratic rights of our citizens, and I spoke about that on the last occasion, obviously at some greater length.

There are also other problems in the bill that I want to deal with in the brief time that is left today. The first is that, against the wishes of every single mayor, councillor and municipal group that came forward, this government is bound and intent on having a five-year official plan installed, which has to be updated. I recognize, as a former mayor of the borough of East York, as it then was, that it is essential for a municipality to have an official plan. All of them should, but unfortunately not all of them do. This is mandating that an official plan has to be updated every five years, and within the body of the legislation, every five years the municipality has to incorporate into their official plan every single provincial plan or policy that may impact upon it.

That might not be too onerous, save and except when I put forward a motion—I thought it was a good one that was going to help the municipalities and that the government would surely agree to—that if and when the municipality abides by the provision you're putting in, they should not be subject to the arbitrary and sometimes capricious whim of the development industry that would then say, "I'm appealing your official plan to the Ontario Municipal Board." If all they have done is brought their plan into compliance with the provincial plan, we suggested there ought not to be an appeal to the Ontario Municipal Board. The municipality shouldn't be spending hundreds or thousands or tens of thousands of dollars hiring planners and lawyers to simply go and tell the

board, "What we did in our official plan was what we are required to do under Bill 51. We are required to update it, to have knowledge of and incorporate the provincial plans and policies." But now the developers are going to be able to take them to the board and to court.

I don't understand the government members and why it's still in this bill, but it is. It's still in the bill, and it's there to ensure that the developers have the final word, just as they have the final word under your bill on who can actually come and speak to the development plan, because now, if you weren't there and you didn't voice your opposition, or if you wrote and you weren't informed, you're shut out. Here, if the municipality tries to update its plan, and tries to do it in conformity with provincial law, they can take them to court too. It is just their dream of getting what they want and what they need.

I think the government members just laid down and died on this one, because everything the development industry asked for in that committee hearing was granted. There were 65 government motions, almost all of which were keyed to what the development industry wants—almost every single one—and they all passed. Of course they all passed. You have five members. There were three members of the opposition. The opposition made 28 motions and I think most of the motions—and I'm speaking on behalf of my colleagues from the Conservative Party, too—were pretty tame stuff. It wasn't doing away, it was solidifying the rights of individuals, solidifying the rights of municipalities, and they were all voted down because, of course, they ran contrary to the interests of your development friends.

There was another thing the municipalities asked for, and it seemed to me to be kind of logical, and that is, in your bill you say that they have to upgrade the zoning bylaws related to the official plan every three years. When I asked the members from the city of Toronto, which has now been amalgamated—forcefully amalgamated—for some eight years whether or not the zoning bylaws are extant from the former municipalities, the answer came back, "Yes, they're still extant." They have not had an opportunity in eight years to bring the zoning bylaws into conformity with the act, so you still have bylaws from the old East York, York, Scarborough, North York, Etobicoke and the old city of Toronto, and they sit side by side. They've never been brought into conformity.

If they haven't been able to do that, I don't know how this government expects that every three years a city like Toronto is going to have to upgrade and bring in its zoning bylaws in conformity. The city of Toronto said they couldn't do it. They said that if they had six years remaining, they may be able to do it. We moved the motion that said "six years," and of course, it was defeated, because who cares what the city of Toronto wants? You can negotiate the really good deal, but you take all the rights away. "You say you need more time? So what? You're not going to get it."

There was also a little tiny municipality that came forward and talked about the impossibility of this for



their municipality. This was from Loyalist township, Odessa, Ontario. I'm quoting from what they gave to the committee:

"Given all the recent planning initiatives like the new provincial policy statement, 2005, Places to Grow, Bill 51 and Bill 43, it is recognized that official plans will need to be updated. Once this one-time implementation occurs, mandated five-year update cycles, followed within three years by a zoning update is not necessary.

"Such constant updating will place undue financial and human resources strains on mid-sized and smaller municipalities, like Loyalist township. Without financial assistance from the provincial government, this update cycle will be very difficult to implement."

So there you have it. You've got cities and towns like Ottawa, Hamilton and Toronto—and dare I say the Minister of Citizenship and Immigration's favourite town, the city of Kawartha Mistakes—that have never been around, have never been able to get their official plans in order following forced amalgamation, that all ask for more time. Then you have little towns that say they may be able to do it once but they can't keep doing it, and you pass your bill without amendment when it comes to that, even though there were legitimate attempts to try to help those.

Then you've got some of the other stuff that went on in there: the conservation land trusts. There were people who came and talked about the difficulty in amassing lands for conservation land trusts and they asked for some very simple amendments that would make it easier for them to persuade primarily farmers, but anyone who owned a tract of land that could be saved, serviced and made whole again in its natural state for the benefit of future generations in Ontario. They were asking for a little tax room. They were asking for some changes to the Ontario Municipal Board, what could be appealed and what could not be appealed. But every single amendment that was there to help them to amass that land for future generations was shot down. There was nothing that was added by the government.

This is not a bill of which I think this government can be very proud. You have taken away the rights of ordinary citizens, rights that they have literally had for the entire century that has passed, ever since the institution of the Ontario Municipal Board. You have taken away the rights of municipalities like Toronto and like every other one to fight energy projects and to have some say on energy projects that are located within their municipalities. They have had that in place literally for a century. For a century, every municipality in Ontario has been able to help determine—save and except those OPG projects which were done by the province of Ontario, but literally every private energy project has been subject to the scrutiny of local municipalities. That is gone, too.

1900

The citizens have been hurt. The municipalities have been hurt. The people who do the conservation land trusts have been hurt. The only people who seem to be so very happy with what you're doing here today and what

you're going to pass here into law today are your development friends. They all came to the committee. They all made statements about how they need to build, how they need to make more money, how they need to do whatever the development industry does, and literally every member laid down in front of them with obeisance. That's what happened.

I think it's a very sad day for Ontario, for democracy, for citizens, for municipalities. It's a very good day for development friends. That's what this bill is all about, and it's why—even though there are a couple of good things in the bill, and there always are, there is so much wrong with this bill—I am encouraging Liberal members opposite to break with their government, to stand up for the people who elected them and to not pass this bill and to make sure that it never becomes law.

**The Deputy Speaker:** Questions and comments?

**Mr. Mario Sergio (York West):** Just a few comments on the presentation by the member from Beaches—East York. I was sitting on the same committee with the member from Beaches—East York and we heard the same people and the same comments. I have to say that I have a different take on a lot of what the member has said, because we heard from individual groups, we heard from ratepayers' organizations, from councillors, from mayors, from different industry representatives, and especially from AMO, the Association of Municipalities of Ontario. I have a different feeling, having sat during the various public hearings.

But there is one thing that so far has not come out during the various presentations in the House. This is the first time that the Municipal Act and the Planning Act have been changed in such a revolutionary way. It has been a heck of a long time in coming, and it's something that is good. It's something that industries, municipalities, individual citizens and local municipalities have been calling for. And what is that? It is that well ahead, well in advance, everyone is going to know what a major rezoning application entails. So everybody will know from day one. There will be no more, if I may say—I don't want to use any heavier a word. There is a lot of hanky-panky going on sometimes with respect to applications, rezoning and stuff like that, but with this bill, when it's approved, that will be done. So I hope this will be approved soon.

**Mr. Tim Hudak (Erie—Lincoln):** I always enjoy the comments by the member for Beaches—East York, who made a very strong presentation that this would not help local groups who may be opposed to particular projects in their municipalities. He also makes the point that it may actually be harmful to municipal leaders in the decision-making process. And he makes the point that it's good for developers.

I think some of the developers will argue additionally that they're not completely satisfied. The UDI, the Urban Development Institute, I think has also criticized this bill in many areas, so I would be curious as to who the ardent supporters are of Bill 51. I know my colleague from Parry Sound—Muskoka is going to speak at somewhat



more length on the drawbacks of this particular piece of legislation.

I do note for the record that while ostensibly Bill 51 purports to give local councils a greater authority on decision-making through the Planning Act, the province has actually dealt itself a pretty fixed hand, so to speak, by allowing it additional authority. There are major projects of provincial interest that are exempted through this piece of legislation.

Secondly, the province has extraordinary powers to change rules in the decision-making process, I believe, up to the day the decision is made. So that's hardly transparent. That does not, frankly, surprise me, because when you read the names of these bills or you listen to what the minister has to say, often when you actually see the contents of the bill, they tell a different story, and I look forward to the comments of my colleagues to expand on that fact.

**Mr. Peter Kormos (Niagara Centre):** First, let's understand that Michael Prue, the member for Beaches–East York, the NDP critic in this matter, has a great deal of expertise, many years of municipal service, an intense understanding of the planning process and, most importantly, an understanding of how important it is that citizenry, people, just plain folks, have an opportunity to be a part of the process when something is being proposed that has significant impact on their community, and that means upon their community's future, and that means upon their children and grandchildren. What my colleague from Beaches–East York explains oh so clearly is that this government, with this bill, denies the citizenry the opportunity to do those very things. This is not progress—far from it. This is a betrayal of activists, of people in neighbourhoods, of people in communities who care about their cities, their towns, their villages, who want to see them as healthy, good places for their own families and their children and grandchildren to live in and grow up in.

I also find it remarkable—I went through the bill and I said to Mr. Prue, the first time I saw the third reading of the bill, “My goodness, the bill barely exists in its original form. It's been all but deleted and rewritten.” And don't tell me it's because you listened to the people; it's because you screwed it up in the first place—typical of this government. More incompetent bungling, and the taxpayers have to foot the bill. Shame on you.

**The Deputy Speaker:** Questions and comments? The member for Beaches–East York, you have two minutes to respond.

**Mr. Prue:** I thank my colleagues from York West, Erie–Lincoln, and Niagara Centre for their comments.

The bill was a difficult bill, and just on the last point made by the member from Niagara Centre, yes, there were 65 government amendments brought forward. I remember one of the members on the committee congratulating himself and his five colleagues for making the 65 amendments and pointing out that they must have listened, but not one of the amendments that were made was put forward by the municipalities. Not one of the 65

amendments was put forward by the environmental groups that came before us. Not one of the 65 amendments had anything to do with the conservation groups that were trying to save the land. Not one of the amendments had anything to do with citizens' rights and the citizenry that came forward to ask the government to protect their right to be heard before the Ontario Municipal Board.

All of the amendments that were put forward by this government, all of the 65 major changes to the act, the underwriting, all of it, had to do with them trying to make the act less consumer-friendly, to make sure that the citizens could not exercise their rights to appeal, save and except in circumstances where they had actually appeared before the municipality and made a submission. It took away the rights of municipalities that had heretofore existed for a long time—and in the case of the city of Toronto, only some six weeks—to have a say on whether there is a nuclear plant built in their municipality or an energy-from-waste facility or even something that we thought was kind of benign, like having windmills, because we had lots of deputants saying they wanted the municipality to have a say in where those windmills were sited. All of the amendments had to do with taking away those rights. It was a very sad day for democracy.

1910

**The Deputy Speaker:** Further debate? The member for Parry Sound–Muskoka.

*Applause.*

**Mr. Norm Miller (Parry Sound–Muskoka):** There's an enthusiastic crowd in here this evening.

It's my pleasure to add to the debate on Bill 51, which is An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts. Specifically, I wanted to get on the record concerns and recommendations from municipalities in the riding of Parry Sound–Muskoka, from the District Municipality of Muskoka, which has made some recommendations and raised concerns, and also the municipality of Carling township and the Georgian Bay Association, and also to raise some other energy concerns, specifically as they relate to section 23 of the bill.

The District Municipality of Muskoka has done a thorough review and they've made the following recommendations—five, in particular—and I'll read those into the record.

“(1) In order to ensure that Muskoka and other less urbanized municipalities can continue to protect their employment lands, Muskoka district strongly recommends that the definition of ‘areas of employment’ be amended in order to recognize the importance of other types of employment lands in small or rural municipalities and to ensure the continued ability to apply the employment-related policies of the provincial policy statement to these situations.”

By that recommendation, I think they're concerned that Muskoka—and that would apply to Parry Sound as well—has very little manufacturing but lots of tourism



activity, so they'd want that definition of employment lands to also include areas that would be tourism areas.

"(2) That the proposed reference in section 8(15) to 'all supporting information' be replaced with 'pertinent information' and that information to be provided up front to an approval authority include copies of technical reports, reports to council and minutes of public meetings and open houses, and a list of other information that could be provided upon request."

That is just concerned with the practicality and the sheer volume that would be required if that minor change was not made.

"(3) That section 41 be further amended to specifically enable a municipality to require vegetation preservation through a site plan agreement; as is described in the background papers released by the Ministry of Municipal Affairs and Housing. In addition, section 41 should be expanded to allow for agreements with upper-tier municipalities related to the provision of sewer and water services."

In Muskoka, we do have six lower-tier municipalities and the upper-tier district of Muskoka, and of course, being a beautiful, natural area with lots of waterfront and cottage-type situations, maintaining vegetation is a very important aspect of planning for the whole area, really, for economic activities and for aesthetics, which are so important to the Muskoka area.

"(4) Muskoka district supports the use of the development permit system throughout Ontario and continues to recommend that clarifications to the regulation be made, as outlined in Muskoka district council resolution no. 10/2004, and in the regional planning commissioners' submission dated December 18, 2003. In addition, Muskoka district recommends that prior to any amendments to the regulation, Muskoka and the township of Lake of Bays be consulted respecting other implementation issues that have arisen as a result of being the first municipality in the province to implement a development permit bylaw."

I know that the township of Lake of Bays is involved with a pilot program on the development permit program.

"(5) That the province continue to consult with municipalities as regulations are drafted to implement the proposed changes to the Planning Act in order to ensure that the needs of all Ontario municipalities are met and that the language is clear to all."

I say that's very important, because often the detail is where problems arise. So I think it's very important that the province consult. In many cases they have not consulted sufficiently, and that's where you run into problems.

Those are some of Muskoka's recommendations and concerns.

Now, the next issue I would like to get on the record: I have received correspondence from people concerned with section 23 of the bill and how it removes the power of municipalities to make known their local concerns to do with energy projects.

I received a letter from Seniority Investments Ltd., Mr. I. R. Wookey, addressed to the energy minister:

"Dear Ms. Cansfield:

"Your section 23 in Bill 51 is unacceptable. It is meant to eliminate local concerns to wind power. I note that on Remy Bay Road a proposal was made to install windmills. This proposal did not meet with township approvals nor with the approval of local residents, of which I am one. If this section in the bill is approved it will be a free-for-all without any local input.

"I strongly suggest that you take section 23 out of the bill."

I've received other similar concerns from the township of Carling, which is in the Parry Sound side of the riding, just north of Parry Sound. It's a letter from the mayor, Mike Konoval, that he cc'd to me, to Ken Petersen, the manager of provincial planning and environmental services branch, and he notes:

"Dear Mr. Peterson:

"This is to advise you that Carling township council has enacted the attached resolution with respect to Bill 51. As alluded to in the resolution, council feels it very important that municipalities have the ability to use the legislative framework established by the Planning Act for review of matters which have significant local land use planning implications."

Their resolution is this: "Whereas the township of Carling considers the establishment of new renewable and non-renewable energy projects to have significant local land use planning implications;

"And whereas section 23 of Bill 51 proposes to exempt all energy projects in Ontario from the Planning Act if they are an undertaking or class of undertakings within the meaning of the Environmental Assessment Act;

"And whereas it is the opinion of this council that the Environmental Assessment Act and the associated proponent-driven screening process does not adequately address matters of municipal interest;

"And whereas sections 17 (official plans), 34 (zoning bylaws) and 41 (site plan control) of the Planning Act provide local municipalities with the necessary authority to establish policy and regulations for new energy projects;

"Therefore be it resolved that the council for the township of Carling does not support the position of section 23 of Bill 51 for the aforementioned reasons and that the position of the council be submitted to the Environmental Bill of Rights registry ... and forwarded to John Gerretsen, Ministry of Municipal Affairs and Housing; Donna Cansfield, Minister of Energy; David Ramsay, Minister of Natural Resources; Norm Miller, Muskoka-Parry Sound MPP; and the Association of Municipalities of Ontario."

So the township of Carling was quite concerned last year when some projects were being developed in the Carling area along the shore of Georgian Bay, a natural, beautiful area where they and many people in the area were quite concerned about whether wind generation



would be suitable in that area. I think municipalities want to have some say on these matters.

As I mentioned earlier today on the energy topic, energy supply is critical to northern Ontario. This government has failed northerners where energy is concerned. The Minister of Energy's insensitive comments in Sudbury reflect his inability to relate to the reality of a growing number of families who struggle to pay their hydro bills. I hear every week from constituents in my riding who can't afford the cost of hydro. The delivery charges and rising costs have taken their toll on working families, who are further and further behind.

My own riding isn't unique. Many of my colleagues receive the same calls. When I travel the north, I hear from businesses and homeowners alike about the cost of energy, particularly the delivery charges. The worst part is that hydroelectricity, which most of us take for granted, isn't reliable in northern Ontario. Hydro One Networks has neglected to stay abreast of line improvements and forestry management. Consequently, outages are increasing in frequency and duration. This is in a region where the population is aging.

Today, a fellow came into my Bracebridge constituency office. He lives in Dwight. He's a retired school superintendent. He struggles with mobility, requiring two canes to walk. He described his wife as fragile. He told me that days after his neighbours had power, he was still without it.

1920

He finally managed to have a Hydro One supervisor come to his house. He said that the manager was very nice but basically told him that no one could help him. The manager suggested that he contact his MPP, and that's just what he did.

I have a copy of his letter, which I would like to read into the record:

"October 10, 2006

"Dear Mr. Miller,

"This week I turn 80 years of age and feel I must turn to you for help with an increasingly perilous and untenable situation related to power provision to my home.

"I am a retired school superintendent and senior educational administrative officer and live with my wife on Haystack Bay, Lake of Bays, some 20 kilometres outside of Huntsville in your riding. We are permanent year-round residents who have lived here since 1980 and enjoy our independence and quality of life greatly. My wife and I were both born in the area and truly appreciate our good fortune in living here. I have physical mobility challenges and have been designated disabled for tax and medical purposes. I also have a disabled designation for my vehicle as well. Despite my wife's increasingly fragile health, we've been successful in maintaining our residence quite well for many years and it is our intention to do so as long as possible.

"A recent development has come upon us related to electrical power that truly threatens our enjoyment of years to come and the possibility of remaining here. As I am sure you are very well aware, power outages in our

area have become far more frequent and often further extended than they ever were. And, due to our age and physical challenges, we rely on our power in a much greater way than ever before for our health, security and comfort. We have accepted this up until now with relative grace and with the purchase of a gas generator at a cost of hundreds of dollars to continue to have power when the provincial electrical utility has not been able to provide it to us.

"While that has been a satisfactory short-term or occasional solution, we cannot manage for longer terms and more frequent occurrences. Several weeks ago, this was brought home to us very clearly by the lengthy power outage generated by the most recent extreme windstorm. Due to the power line and switch configuration in our residence, we were without power for days more than our immediate neighbours and, with our age and physical challenges, we are only able to refill and restart our existing gas generator with great difficulty.

"Therefore, we now find ourselves having the necessity of purchasing an automatic propane generator at a cost of some \$10,000 if we want to stay in our home! That is a major unplanned expenditure that is a real challenge for anyone on a limited fixed income to bear. Thus we are writing to you in the hope that something can be done to help us on a number of levels:

"—Despite the fact that we are located right on the main district road 22, we are apparently connected to a spur line, with seasonal residents, that is particularly susceptible to wind and weather damage, and are not a priority for return of power. Can this not be corrected? Indeed, as a designated disabled senior citizen, could maintaining and returning our electrical power not be designated as some kind of priority?

"—Since dependable electrical power is vital to our health, well-being and remaining in our home and since the provision of dependable power by the provincial utility that we should be able to rely on has become so questionable, we find ourselves needing to invest thousands of our own limited dollars in a more reliable source. Is there a provincial department program to assist us financially...."

He goes on and is obviously very concerned about the lack of reliable power. Certainly, I have heard from many other constituents. In fact, I presented a petition from Parry Sound-Muskoka in the Legislature today.

Getting back to Bill 51, more specifically, I also note that the Georgian Bay Association, which represents thousands of cottagers up and down the Georgian Bay coast, is also concerned with the lack of local control as it relates to energy projects. I have received information from John Birnbaum, the executive director of the Georgian Bay Association. In it he says, "The proposed bill would remove the opportunity for local township planning to apply to private sector industrial energy projects in our communities. GBA believes that local municipalities should have the authority to plan for appropriate sites for such facilities."



The Georgian Bay Association is an association of many different cottage groups up the Georgian Bay coast. I note their concern, in that they say—it's written to Minister Gerretsen:

"Dear Sirs.

"The Georgian Bay Association is a volunteer umbrella group established in 1916 that now represents 22 resident associations and more than 17,000 residents along the littoral of the eastern and northern shores of Georgian Bay and adjacent waterways. Our mission statement is 'to work with our water-based communities and other stakeholders to ensure the careful stewardship of the greater Georgian Bay environment and to promote the quiet enjoyment of its diverse and finite spaces.'

"The GBA has recently formed a renewable energy committee to help educate our members on issues relating to renewable energy, Ontario's energy development needs and energy conservation, and have launched an ambitious energy conservation drive for our members (see eight-page feature in our spring 2006 GBA UPDATE newsletter ...). We propose to work with municipalities, ministries, and potential proponents to identify renewable energy opportunities in our six local municipalities.

"Though the committee's work, we have learned that the Ministry of Municipal Affairs and Housing recently introduced Bill 51 to amend the Planning Act. Included in this bill is clause 23, which is to add a sub-paragraph to section 62 of the Planning Act. This addition could exempt private sector energy development projects in excess of two megawatts from the requirements of the Planning Act. Instead projects would be subject to an environmental screening process, driven by the project developer, which even the Ministry of the Environment has recognized is in need of reform.

"This would eliminate local municipal control of all decisions related to large-scale energy projects, including transmission line construction and ancillary structures.

"The Georgian Bay Association strongly opposes section 23 of Bill 51. The planning, siting and permitting of private sector power generation facilities should remain subject to local control. Land use planning issues are best dealt with at the local municipal level. The proponent-driven nature of the environmental screening process provides little to no assurance that credible and legitimate local land use planning issues (e.g., density, setbacks, maximum height, cumulative effects of multiple projects, etc.) would be adequately addressed.

"The Georgian Bay Association requests that the offending clause number 62.0.1 of section 23 be removed from Bill 51 prior to second reading."

But we've had second reading, and that section of the bill was just modified very slightly so that it actually now includes the city of Toronto. It was modified. So now it says—and there were many amendments at second reading—"62.0.1(1) An undertaking or class of undertakings within the meaning of the Environmental Assessment Act that relates to energy is not subject to this act or to section 113 or 114 of the City of Toronto Act, 2006...." So it now also includes the city of Toronto.

The energy concerns are probably the most significant concerns with Bill 51, section 23, where local control is removed, and the other concerns raised by the district of Muskoka that I now have on the record as well.

We will, I'm sure, be voting against this bill because of the concerns with section 23 of this bill.

**The Deputy Speaker:** Questions and comments? Further debate? Does any other member wish to speak?

If not, Mr. Gerretsen has moved third reading of Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

"Pursuant to standing order 28(h), I request that the vote on the motion by Minister Gerretsen for third reading of Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts, be deferred until deferred votes on October 12, 2006."

It has been signed by the chief government whip. That vote, then, is deferred.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** Speaker, I move adjournment of the House.

**The Deputy Speaker:** The Deputy Government House Leader has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour say "aye."

All those opposed say "nay."

In my opinion, the ayes have it.

This House is adjourned until 10 of the clock, Thursday, October 12.

*The House adjourned at 1931.*



# LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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## CONTENTS

Wednesday 11 October 2006

### THIRD READINGS

**Planning and Conservation Land  
Statute Law Amendment Act,  
2006, Bill 51, *Mr. Gerretsen***

Mr. Prue .....	5399, 5402
Mr. Sergio .....	5401
Mr. Hudak .....	5401
Mr. Kormos .....	5402
Mr. Miller .....	5402
Vote deferred .....	5405

## TABLE DES MATIÈRES

Mercredi 11 octobre 2006

### TROISIÈME LECTURE

**Loi de 2006 modifiant des lois  
en ce qui a trait à l'aménagement  
du territoire et aux terres  
protégées, projet de loi 51,  
*M. Gerretsen***

Vote différé .....	5405
--------------------	------



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**Jeudi 12 octobre 2006**



Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 12 October 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 12 octobre 2006

*The House met at 1000.  
Prayers.*

## PRIVATE MEMBERS' PUBLIC BUSINESS

### EDUCATION AMENDMENT ACT (STABILITY FOR STUDENTS IN TRANSITION HOUSING), 2006 LOI DE 2006 MODIFIANT LA LOI SUR L'ÉDUCATION (STABILITÉ POUR LES ÉTUDIANTS VIVANT DANS UN LOGEMENT DE TRANSITION)

Ms. Matthews moved second reading of the following bill:

Bill 133, An Act to amend the Education Act to provide stability for students in transition housing / Projet de loi 133, Loi modifiant la Loi sur l'éducation afin d'offrir une stabilité aux étudiants vivant dans un logement de transition.

**The Deputy Speaker (Mr. Bruce Crozier):** Pursuant to standing order 96, you have up to 10 minutes. The floor is yours.

**Ms. Deborah Matthews (London North Centre):** This is a bill that will affect only a very small number of people, a very small number of children, in fact, but they're the kids who, perhaps more than any other kids, need to have some adults looking out for them. This is a bill about making sure this small number of young people have a little bit of stability at a time in which their home lives are anything but stable. This is a bill that respects and recognizes the importance of teachers, of friends, of routine and continuity for kids who are facing the kind of disruption that most of us would not even imagine. It's a bill that, if passed, would give kids who have to move to transition housing—temporary foster care, a homeless shelter, a women's shelter—or who become homeless the right and ability to stay in their own school until they find a permanent home.

You see, right now there's no province-wide policy for kids in that situation. It's up to each shelter, each foster home and each board of education to figure out what to do in each individual case. In many cases, the decision is that the child has to move out of their home school into a school in the neighbourhood of their shelter or temporary home, and then, when permanent housing is

found, into a third school in the neighbourhood of that home.

So at a time when these kids are facing enormous upheaval at home, when they may have been a witness to or a victim of abuse, when they've been forced out of their own home, when their clothes and toys and other prize possessions are not available to them and may never be, when their family has been torn apart, when the troubles of the adults who are supposed to be taking care of them consume all of the energy available in the household—when some or all of this is happening to a child, we deny them the security of staying in their own home school, the school where their friends are, where their teachers know them, where the custodian jokes with them, where there is some routine and some refuge from the chaos that is their life at home.

What this bill would do is give kids the right and the ability, if it's deemed to be in their best interest by their parents or guardian, to stay in their home school while they are in transition housing, to maintain the continuity that we know is so important to a child's education and social development.

This is an issue that was brought to my attention by Leaurie Noordemeer, the director of Rotholme Women's and Family Shelter, a branch of Mission Services of London, who joins us in the members' gallery today. I met Leaurie on Boxing Day, 2005. Along with my daughter, Christie, and a number of other volunteers, I was helping to serve a turkey dinner to some of London's homeless folk at a wonderful restaurant called Waldo's on King, owned and operated by Mark Kitching.

Some of those homeless people were kids from Rotholme, and I wanted to learn more about them and understand some of the challenges they face. I guess the idea of homeless kids was not one that I was very comfortable with. Leaurie was good enough to meet me, and in that conversation, I learned about the myriad of unique challenges these kids face, one of which is the instability of their educational environment. Thank you, Leaurie.

I'd like to recognize some of the others in the gallery today and thank them for their support of this bill: Virginia Rowden, the director of social policy for the Ontario Association of Children's Aid Societies; Andrée Cazabon, filmmaker and producer of the film *Wards of the Crown*; Amanda Rose, youth coordinator, Ontario Association of Children's Aid Societies; Lynda Manser, executive director of the National Youth in Care Network; Cheryl Fullerton from the Ontario English Catholic Teachers' Association; and Chris Steven, the executive



director of the Oxford County Children's Aid Society. I'm not sure if Adam Diamond has made it—he will be joining us.

I'd also like to take a moment to thank those who have helped with the drafting of the bill but couldn't be here today, including: Jane Fitzgerald and Janet Laderoute of the Children's Aid Society of London and Middlesex; Carolyn Buck, executive director of the CAS of Toronto; Vivian McCaffrey and Wendy Mathews from the Elementary Teachers' Federation of Ontario; Craig Brockwell from OSSTF; Donna Marie Kennedy, the president of OECTA; and Meghan Warby, my former legislative intern.

I'd also like to take a moment to thank all the other members of my staff who made today possible.

This bill has received strong support from across the province. Janet Laderoute from the CAS of London and Middlesex writes, "When children experience trauma in their lives and have to move into a shelter or into the care of the CAS, school stability becomes paramount. Teachers and students in their classes can provide that sense of continuity and stability that these children so desperately need while they are dealing with the trauma and significant relationship losses."

Rod Potgieter, the executive director of Family and Children's Services of St. Thomas and Elgin county, told me that they have generally good co-operation from both school boards in Thames Valley, but, "It does not always happen, and I think we will be much further ahead if the expectation is there that the child can remain in their home school and will be transported, if under 30 kilometres."

Colin Vickers, director of education at the Near North District School Board, supports the bill and tells me they've conducted research in their district which underlines the importance of stability in school for kids in transition, and that they've taken action as a result of that research.

Leaurie, of Rotholme, writes, "If each child had the option to finish out their school year with transportation guaranteed, this would eliminate a major stressor for both parents and children, and allow them to work at finding safe, affordable housing."

1010

I should tell you that not everyone is supportive of this bill. Some say it will cost money, and that is true. It will cost money to provide transportation from the transition housing to the home school and back again.

The people who are concerned about the cost of transportation should think about the cost of not providing the stability. One of those costs, clearly, is student success. Lack of continuity is widely recognized as jeopardizing a child's success at school. A study by Dr. Joy Rogers at Loyola University Department of Education found that it takes a child on average "four to six months to recover academically from a change in school." It "can destroy a child's academic progress," she wrote, and that costs money too, especially if it means the child loses their academic year.

Teachers tell me it takes considerable time and energy to integrate new students into their classroom, and that takes time away from other students. They also tell me that kids who are known to be in the school only temporarily sometimes don't get the extra attention and support they need, because everybody knows they won't be there long, and there are costs to that too.

Let's not forget that these kids are at a particularly high risk of having troubles later in life outside the school system. For example, a study by Leslie and Hare in 2000 found that almost half—48%—of the "street youth" seeking post-transition services from Covenant House in Toronto were former children in care, and there are costs to that too.

All of these costs, and many others, must be weighed against the cost of providing a stable learning environment.

So I urge those who are concerned about the costs associated with this bill to look outside the transportation line item in the budget and consider all the costs of not doing it. Let's remember that the children this bill will affect have the deck stacked against them in so many other ways. They are facing and overcoming challenges and obstacles that would overwhelm most of us. These are challenges for which they hold absolutely no responsibility; they are simply innocent bystanders to events that have unfolded in their families around them.

In closing, let me tell you a little story about a family in London. Late last spring, a family with one child became homeless and moved into Rotholme. They knew that their stay would be temporary, as they had already secured housing in their old neighbourhood so the child could return to the same school in September. There were only a few weeks left in the school year, but they were important weeks, as we all know those last few weeks are.

Transportation from the shelter to the school was refused, meaning that this child had to switch from their home school to a school in the neighbourhood of the shelter, and then back to their home school in the fall where they had to explain and face the stigma of why they had to miss the last few weeks of June.

Was this the right thing to do, the best thing for the child? Did it cost less? I don't think so.

Despite our best efforts, there are limits to what we can do to prevent the instability these kids face at home. But what happens at school is completely under our control. It is our responsibility as adults and as legislators to do whatever we can to provide stability for these kids in their schools.

Let's take that responsibility seriously. Let's pass Bill 133. Thank you.

**The Deputy Speaker:** Further debate?

**Mr. Frank Klees (Oak Ridges):** I'm pleased to rise to participate in today's debate on private member's Bill 133, An Act to amend the Education Act to provide stability for students in transition housing, which has been brought forward by the member for London North Centre. I commend her initiative in doing so.



I would like to say at the outset that I support the substance of this bill and anticipate that all members of the House would do so. I don't see anything in this bill that would cause anyone great concern.

The member speaks about cost. I think that rather than characterizing it as a cost that may be associated with this bill, we should be considering it as an investment in the future of our children, and that it should, in fact, be considered a priority for the Minister of Education and for the government.

I would anticipate that the member will be successful not only in having this bill passed today, here in private members' hour, but that the Minister of Education would take this forward and ensure that this is one of those private member's bills that will actually be taken seriously by cabinet and by the government and implemented as part of government legislation and for the benefit of children in this province.

In substance, this bill proposes to amend the Education Act to guarantee that a child who is a ward of a children's aid society or is in the care of a children's aid society or is in an emergency or temporary housing situation, who is homeless, may continue, at the parents' or guardians' request, to attend the school they were attending before falling into one of those aforementioned categories. How common sense is that? Children who are already subjected to upheaval in their family life would then also face the additional complications and stress, in many cases very harmful, of being denied the stability of perhaps, in many cases, the only peace and calm these children often have in the course of a day in their home school, with teachers who they have come to trust, with classmates who represent some form of stability for them. For those children, because of legislative or regulatory requirements, to be taken from that safe haven within the school system is fundamentally wrong. So from that standpoint, I say, apart from any of the other technical arguments that may come forward, perhaps even from the civil service, who say, "Well, this isn't the time. There are other implications. It's going to mean a number of amendments to the Education Act," and so on and so forth, this is the time when we truly have to put children first and ensure that that is more than a motto, that it's carried out in a very practical way through our legislation.

It's a sad commentary on our society today that we even have to be debating this; a sad commentary indeed that not only in our society but the world around, we know that children are placed into these very difficult circumstances through no control of their own. They are innocent victims and it's up to us, as legislators, to ensure that we do whatever we can to protect those innocent victims rather than have them become victims once again as a result of family circumstances. Our hearts bleed for children whose emotions are being torn, whose very enjoyment of life is being robbed. Far be it from this Legislature or government regulations to complicate that circumstance.

As educators and psychologists will agree, the experience of continuity and stability in a child's school

environment is in fact integral to her or his ability to learn and to socialize. All too often, we come across a partial understanding of the role of our education system, in that it is limited to the role of simply imparting knowledge, and it's much more than that. We know that teachers who take very seriously their calling impart much more than knowledge. It is truly about building character. It is about developing the whole person. So to ensure, at least during those very early formative years, that that is a stable environment for children is important. If we, as legislators, can do anything to support that, I believe we have a responsibility to do that.

#### 1020

Education in this province is a challenge. We continue to see any debate or discussion relating to education often polarizing groups within our communities. It should not be that way. If anything, the discussion or debate, deliberation around education, should be something that brings us all together. If there is any issue in this province where there should be common ground that we can all find, that we can all agree to, it should be around education, but it's not. That is, unfortunately, the reality. There continue to be political debates, there continue to be partisan wars, that are launched on the battleground of education.

I believe that this issue before us today goes beyond any of that. I look forward to hearing what my colleagues have to say in this debate, but I would be very surprised if anyone here would find this particular issue one to bring forward in any kind of—how can I put it?—negative discussion.

I will, however, make this point, and I don't want the member to take this in the wrong way; in fact, I am convinced that the member will agree with me, as will most members of her party—and that is, when we talk about stability in education and every child having the right to have an education and to be given the life skills to function as citizens and as human beings within our society, that should in fact apply to all children. Members have heard me raise this issue in the House many times. The honourable member who brought this bill forward has heard me debate this issue and call on the Minister of Education as well as the Premier to meet the Premier's commitment to another group of children in this province. I speak about autistic children, who have as great a struggle, if not to a greater degree, a challenge of finding stability and finding an opportunity to develop their life skills and to get the basic educational supports that they deserve.

The Premier of this province made a commitment to autistic children and their families during the last election campaign that, if elected, he as Premier and his government would extend educational support and treatment support to autistic children beyond the age of six, and we have yet to see that promise come full circle. I continue to have calls from parents of autistic children who are struggling. On a daily basis, they're struggling to make ends meet because they have to take of their own resources to ensure that their children have the same opportunities as other children in the province.



So I would simply, in that spirit, call upon the member to use her own influence within her caucus, with her Minister of Education and the Premier, to extend that same opportunity of stability and support for educational services for autistic children.

I would conclude by saying that I will certainly be supporting this bill. We look forward to it coming to committee. There are a number of issues that I'm sure we can talk about in terms of implementation, and perhaps get some advice from stakeholders.

Once again I thank the member for bringing this bill forward, and I look forward to subsequent debate.

**Ms. Cheri DiNovo (Parkdale-High Park):** The background to this bill is that of child poverty. It is set against a background of family poverty. I commend Ms. Matthews for bringing it forward. I welcome the opportunity to examine children who are at risk in this forum.

Sixteen years ago, the House of Commons unanimously resolved—and that was all parties; it was non-partisan—to eliminate poverty among children by the year 2000. Since then, the child poverty rate has been stuck at 15% to 16% in this province, despite strong economic growth. Some 443,000 children in Ontario live in poverty. That's almost half a million children. Low-income, lone-mother families are living on an average of \$9,600—below the poverty line. The percentage of children living in working families who are poor has doubled in the past 10 years, and poverty rates for children in aboriginal, visible minority and immigrant families are double the poverty rates of others. This contrasts with 10% of families who saw a 41% increase in average incomes over the past 10 years; at the same time, poor families saw their incomes decrease by 4%.

It used to be said that the best route out of poverty for families was a job. That's no longer the case. One in three poor children have parents who work full-time. Thirty-seven per cent of jobs are precarious, temporary, contract or involve self-employment. The Workers' Action Centre estimates that at least one in every three Ontario employers violates the Employment Standards Act, yet the Ministry of Labour's commitment to only 2,000 surprise inspections means Ontario's workplaces have less than a 1% chance of being inspected at all. In a 13-year time span, this has resulted in half a billion dollars in unpaid wages that employers have been ordered to pay but have not been collected by the Ministry of Labour.

I'm going to quote from a UNICEF document: "There are many demands for priority on the time and resources of government. And the case for children therefore bears repeating. It is the fundamental responsibility of government to protect the vulnerable and to protect the future. Children are both."

Growing up poor: Studies have shown that poverty is linked to poor health, poor school performance, and low pay and unemployment as adults. The vast majority of shelter users, children's aid wards and foster children come from poverty. Lest we think it is only—and I shudder when I say "only"—443,000 children who live in

poverty, know that 703,000 children experience episodic poverty. That means that they're poor for limited times of their lives, and "limited" means two to six years. So most of their childhood is spent in poverty. This means that if their parents earn less than \$10 an hour, that family is poor. Eight dollars as a minimum wage won't even be brought in until 2007, and that doesn't begin to bring a family up to the poverty line.

I know that in my own riding of Parkdale-High Park, I've had some experience with the poverty of families. We started West End Angels, which is the only 52-week-a-year drop-in for families, children and others on a Sunday. It feeds thousands of people every year, and thousands of those people every year are families and hundreds of them are children. If it weren't for that program, many of these children wouldn't eat on Sundays.

I remember well a family that lived in a car in the parking lot of our church, and we helped that family to find some temporary housing. At this moment in my constituency office, we have a woman who has five children. She lives in a townhouse where the rent is \$1,200 a month, and she gets \$1,250 a month on social services. We're still no closer to seeing that case resolved. Every year in our church we've welcomed Redwood shelter to a holiday party where the children get gifts, and then we've watched them all go back home to Redwood shelter because there are no homes, because 122,000 households live in wait for affordable housing, and they wait five to 10 years.

1030

We also witness in Parkdale-High Park the increasing gentrification of our housing stock. Now, we're excited to see that old houses are being fixed up, but we also recognize that for every old house that's fixed up, tenants lose valuable low-cost housing stock. Where do they go? We don't know, but we know they're displaced, they and their families.

In south Parkdale, some 26,000 families live—many of them refugees and recent immigrants—thousands of children, most in cramped quarters, much of it sub-standard, some of it even dangerous, all of it lacking green space. We are caught, again, between the desire to refurbish and the reality that since no government money is forthcoming, developers who want to improve the housing stock also need to raise the rents. Raising the rents then means dislocation for these fragile families and their precious children. I ask this House: to where and to what?

Families who work, most of them more than 40 hours a week, many at a minimum wage: It still does not guarantee that they'll pay the rent and feed the kids. It guarantees them a life still well below the poverty line. Many of them attend breakfast programs just so they get breakfast in our area and other areas. My assistant and I attended one of these breakfast programs. It was run by dedicated volunteers who put their own money into the program. These children sat next to people who have drug abuse problems, mental health issues, and who work in the sex trade. They sat next to them why? Because it was the only way they would have breakfast.



Education—another area that could have an enormous effect on the lives of poor children. Reading recovery programs are in danger of being curtailed in some boards. Education assistants, who can target their time to children who need the most, are being cut. ESL programs that help children new to our country are underfunded and understaffed; 40% of our children who need ESL teachers don't have ESL teachers. Again, I know this firsthand, because a community of east African immigrant women in our community are looking for just such teachers, and we're having a hard time finding them for a homework club. We shouldn't have to do this. This should be an essential service.

Child care, since Campaign 2000, has changed little in this province. We still witness nine of 10 children who need child care and go without. This means a patchy system of unlicensed child care, and in the case, again, of one of our immigrant groups, it means that, say, one mother will stay home with the other mother's children. This then cements her own impoverished state and, as we know poverty is inherited, the impoverished state of her children as well.

All of this is the background for this Bill 133. This is where I would ask for your patience and divert the conversation to the question of ethics. Because as much as I support this bill and would support any bill that supports children, I cannot help but wonder at the broader reality which necessitates just such a bill. Most children—not all, but most—who will benefit from this bill are poor children. Statistics show us that most families and children who might need this bill are poor families. The real question is, what is this House prepared to do about child poverty? Might I suggest it's a little like knowing that a crime is going to happen to a child and doing nothing about it until the crime is committed, knowing a child is about to be hurt but doing nothing until that child is hurt and then applying a Band-Aid.

Child poverty hurts children. One of the possible outcomes of child poverty is the displacement of children to temporary shelters, to guardianship or the children's aid. Then all of these hard-working staff who step in do so knowing that the situation is traumatic and knowing that there's little they can do to prevent the same kind of trauma happening again and again.

Undoubtedly, this bill might help. But all of us in this House get the calls, the calls from the social workers, the calls from the teachers, the calls from those who care, who inveigh upon us to change the circumstances that result in the trauma. We, as legislators, need to ensure that the trauma of not having enough money to pay for necessities in one of the wealthiest locales in the world does not continue, that this bill, however necessary now, is in the future absolutely unnecessary.

Campaign 2000, which attempted to eradicate child poverty by the year 2000 and was ambitiously embarked upon by all of our parties, absolutely failed. It is our failure, the failure of each member of this House. We carry that failure with us, and so do our parties and so does this government.

Here are the recommendations. We know how to get rid of child poverty. Why don't we do it? Here's how. This, again, comes from Campaign 2000:

(1) Increase minimum wage to \$10 an hour.

(2) Improve enforcement of the Employment Standards Act.

(3) Ensure OHIP access to recent immigrant families.

(4) Urge better coverage for employment insurance so that more than 30% of those unemployed are actually covered.

(5) Stop the clawback of the national child care supplement.

(6) Press the feds to honour child care agreements and allocate the \$300 million for child care promised in the 2003 election.

(7) Fully fund ESL programs and reading recovery programs in our schools and improve child care in the six-to-12-year-old sector. That is after-school programs.

(8) Build—finally—the 20,000 units of affordable housing promised in 2003, and provide 35,000 housing allowances promised in 2003.

Finally,

(9) Increase social assistance and ODSP to reflect the real cost of living for our poorest of children.

Although I support this bill, I ask everyone what their personal commitment will be—not only their party commitment but their personal commitment—to eradicating the very need for such a bill and eradicating child poverty in Ontario. We know how to do this. We have the recommendations. Do we have the will to do this? There is, I might add, no more important task in this province and in this House for anyone.

In my remaining minutes, I'd like to muse on why this House has been so slow to move on the issues of child poverty in Ontario. Perhaps it has to do with a certain lack of imagination. If that child, that one in six children who live in poverty, were one of the children in the family of a cabinet minister, maybe we would act. Perhaps if that child's birthday was known and the face of that child bore a resemblance to a government member, maybe we would act. Perhaps, and most pursuant to this Bill 133, if that child, when dislocated, didn't go to foster care or a shelter or to children's aid but to the home of our Premier, maybe we would act.

On behalf of that child, I call upon this government to finally act, not only on this bill but on the recommendations, all of them, of Campaign 2000.

**Mr. Jeff Leal (Peterborough):** It is indeed a pleasure for me to speak on behalf of Bill 133, as presented by my colleague the member from London North Centre, An Act to amend the Education Act to provide stability for students in transition housing.

In January 2002, there were two American congressmen, a Mr. McKinney and a Mr. Vento, who passed through the American Congress the Homeless Assistance Act. I would just like to read into the record today the statement of policy from this act that was approved by the United States Congress in 2002, because I think it provides a very good backdrop for this morning's



discussion on Bill 133. The statement of policy in this bill, the policy of the Congress, is as follows:

“(1) Each state educational agency shall ensure that each child of a homeless individual and each homeless youth has equal access to the same free, appropriate public education, including public preschool education, as provided to other children and youths.

“(2) In any state that has a compulsory residency requirement as a component of the state’s compulsory school attendance laws or other laws, regulations, practices or policies that may act as a barrier to the enrolment, attendance or success in school of homeless children and youths, the state will review and undertake steps to revise such laws, regulations, practices or policies to ensure that homeless children and youths are afforded the same free, appropriate public education as provided to other children and youths.

“(3) Homelessness alone is not sufficient reason to separate students from the mainstream school environment.

“(4) Homeless children and youths should have access to the education and other services that such children and youths need to ensure that such children and youths have an opportunity to meet the same challenging state student academic achievement standards to which all students are held.”

**1040**

It seems to me that that is an appropriate framework for this bill, when it goes to committee—I believe it will get unanimous support here this morning—to start a series of discussions along this very, very important matter, providing stability for students.

I note that the Ontario Association of Children’s Aid Societies is very supportive of Bill 133. I’ll just get on the record here this morning this letter to my colleague the member from London North Centre. I quote from paragraph three: “Stability in education is critical to our children. We know that children served by our member societies are at higher risk for poor educational outcomes.

“Despite efforts to provide as much stability and permanency to children at risk as possible, children in care move, on average, every 22 months, and many of their moves occur during the school year. In fact, recent data from Ontario research on children in care, Looking after Children (LAC), indicates that almost 23% of children have had over five changes of school and another 10% have had over 10 changes of school. These moves leave children months behind their peers—and cause challenges with teachers and in classrooms.”

Stability in classrooms and the opportunity for teachers to deal with their students over the long term in fact is the positive environment for learning. We know that if you disrupt a student many times over a period of their education experience, the outcome is less than satisfactory. This is why I believe Bill 133, An Act to amend the Education Act, is so vital and important, and I really commend my colleague for doing this. She’s been a constant advocate for children across the province of Ontario in her role as parliamentary assistant to the Min-

ister of Community and Social Services, and again, this shows her dynamic leadership on this very important file.

You’ll remember a number of years ago there was the famous Fram oil filter commercial. The gist of that commercial was, you can either pay me now or you can pay me later. That’s what I think this bill is all about: an opportunity to stabilize children in the classroom, to look at employing some resources within school boards across the province of Ontario, and looking to invest in our kids, who are a very precious resource.

It always seems to me that our role in public life is to take the future and bring it into the present. Providing stability for our children, for their future, and bringing it into the present by passing this bill is certainly a positive step forward for the province of Ontario.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I’m pleased to rise today to speak to Bill 133, An Act to amend the Education Act to provide stability for students in transition housing, brought forward by my colleague from London North Centre. It’s “to guarantee that a child who is a ward of a children’s aid society, is in the care of a children’s aid society, is in emergency housing or temporary housing or is homeless can continue, at the parent’s or guardian’s request, to attend the school they were attending before falling into one of those categories until the earlier of the end of the school year and the child being established in a permanent housing arrangement.”

When the member came over a couple of weeks ago to mention that this bill was coming forward—it’s amazing what you find out when you’re in this job: the holes that are in the system, how we need to make those changes. And that’s our responsibility as legislators, to protect the children to the best of our ability. So I commend the member from London North Centre for bringing this bill forward.

We need to invest in our children. These are very vulnerable children. I can tell you that since I’ve been elected as an MPP, I’ve certainly had my eyes opened greatly to the assistance that’s available for vulnerable children who are out there. In my previous career, being a nurse, I saw bits and pieces of problems that came in through our emergency systems, and since being elected, through some contact with the children’s aid society, I’ve seen how we need to make some changes, because we aren’t protecting our children enough. We can never do enough, but we can make progress in taking the steps to get this continuity for children.

I think the school system provides that—it’s a base. They have teachers whom they get to know, who get to be their friends. Their lives are troubled at home. The teachers become a constant. They know they’re safe within that classroom. I commend the teachers and the school system. I know that some of the existing boards work very hard to try to ensure that there is stability, but sometimes they need assistance from us as legislators, some laws, some regulations that can ensure that we can provide the best transition and stability for children at



this most vulnerable time. So I commend the teachers for being that constant there for them.

It's important to recognize that at the stage in life that a lot of these children are at, what happens to them now can mark the rest of their lives. I have nieces whom I spend a lot of time with and have watched grow up. It's very important that, if there isn't a home life there, there is some constant with friends, with teachers, in the school they're attending, because it can leave tremendous scars on their future, or it can make a difference that they go on to be very positive citizens within our communities. It's incumbent upon us in our communities that we do all we can to help raise the children who are most vulnerable out there. I see a lot of community organizations—Girl Guides, Boy Scouts etc.—that I've gotten to know since I've been elected, because I didn't have the opportunity when I was a child to be involved in those organizations, but they make the difference also.

So I commend the member from London North Centre for bringing this forward. She has my support.

**Ms. Andrea Horwath (Hamilton East):** I think I have a brief moment to make a few remarks about the bill. It's a bill that obviously is one of those pieces that the member noticed was missing that could possibly help, and I commend her for that.

I only thought of one particular issue that I'd like perhaps to be considered if the bill moves to a committee process and there's some further discussion about the details, and that is that oftentimes when we talk about child protection issues particularly, there's always a clause that we are careful to include because it speaks to the needs and the respect for the wishes and experiences of the children themselves. That clause usually says something like "where it's in the best interests of the child." That's not in this bill, and I would hope it would be a friendly amendment, if we get to that stage, to add that kind of language, because always, always, always, when we're dealing with issues around trying to make things better for children and trying to deal with children's issues in a way that moves us forward as a progressive, thoughtful society, we need to ensure that the best and most appropriate things for the child are always foremost in our mind.

1050

**Mr. Ernie Parsons (Prince Edward-Hastings):** I want to first congratulate the member for London North Centre for this bill. It is a good bill; I just wish I had thought of it first.

My family and I are finishing our 19th year fostering. I realize this bill covers a variety of situations, but I'm going to speak to it from the viewpoint of a foster parent heavily involved with foster children. We have millions of really good parents in Ontario, but we have some parents who simply don't have the skills to provide the care that their children need, and so it's necessary for them to be removed from their family and brought into care; sometimes for a short term, sometimes on a permanent basis.

Children's aid societies and courts don't take the decision to remove a child lightly. It is imperative that the

first priority be to keep a family together. But when the decision is made, the process that follows can be very difficult for a child.

In many cases, they are apprehended at school—this has been our experience. They have gone off to school, sometimes never to return home or sometimes not to return home for many months. I have difficulty getting my mind into their condition and the experiences they have, because invariably they love their parents. No matter what their parents have done to them, there is genuine love on the part of the child.

They are taken from the home. They've lost contact with their parents. They've left all their clothes, they've left all their toys, they've left all their possessions. It is extremely rare for the family to ever give up those possessions to follow the child.

They've left their family pets and their friends in the neighbourhood, and they're placed, from their viewpoint, with absolute, total strangers. All of this may happen over an hour or two. It's got to be absolutely mind-boggling to them.

In many cases—I'd say in the majority of cases of children we've fostered—they have struggled academically at school, not because they are not good kids. But if you're being sexually or physically abused or you're hungry, then your challenge in life, no matter what the age, is to stay alive, and learning takes a second place. So they are probably already having some challenges academically.

I'm sure it's exactly the same experience and just as difficult emotionally for a child who is in a shelter. They have no one. They have absolutely no one.

This bill provides for them to have some continuity in their life, for them to continue to have support from other students, from their friends. You know, folks, for some kids, school is the safest place they're going to today. It is the only place of safety.

We've had foster children tell us about their nurturing teachers, custodians, office staff and bus drivers who understand and appreciate the challenges that child is going through and form their own support network and support system for these children.

Where it is possible, this bill will help phenomenally, if passed, to enable these children to have some support.

We have great foster homes in Ontario—I'm fiercely proud. But I've got to acknowledge that for the first day or two, they're in an absolutely strange family. So I think this bill is wonderful.

At the same time, this bill provides for the option that there may be instances where it is not appropriate to have the child remain in that school, because of contact from the birth parents. We've had them show up at the school and make threats to the children if they disclose anything that happened, or unbelievably but all too commonly, threaten to kill their dog or cat if they talk to CAS staff. So there are instances where they should not be at school, and this bill provides for those.

The member for London North Centre acknowledged the costs involved in busing, and that may be presented



as an obstacle. But, folks, the cost of busing may reduce costs for special ed or for counselling. I will never, ever apologize for investing in children, and there isn't a better investment than this. If this bill results in one child's life improving, then it is worth it.

I applaud the bill and am thrilled to support it.

**Mr. Dave Levac (Brant):** Before I start, I'd like to acknowledge in the east gallery a friend of mine, Cheryl Hasler, originally from my riding, who is with the provincial executive team of OECTA. Welcome, Cheryl, and thank you for being here and showing your support for this piece of legislation.

I want to say a couple of things quickly before I get to the member for London North Centre's bill specifically.

To the member from Oak Ridges, thank you for your challenge. It's accepted and understood. It's probably the least partisan speech I've heard come from you at private members' time in a long time—

**Ms. Scott:** As always.

**Mr. Levac:**—and I think it's because you really do support this bill. I want to thank you for that. It's very important for us to understand—as well as Haliburton—Victoria—Brock, absolutely. Thank you.

Hamilton East, as always, a good challenge and it's probably accepted. I know the member was looking at you, saying, "That's not a bad idea," and I appreciate that.

Let me talk just for a moment to the member from Parkdale—High Park. The challenge is accepted and understood. Poverty is not acceptable; most importantly, child poverty is not acceptable. But in your homily, or your speech, what you did tell us was that you didn't know what people's backgrounds were in here. The only thing I would caution you to understand—I know you're a modern type of minister—is that to make an assumption about the minister or the Premier or whether we could get legislation or not because of somebody's personal circumstances, I believe, was a little unfair. You heard the member from Hastings, who has been a foster caregiver for 30 years or 25 years—25 years. In terms of who we are in this place, never make the assumption that people don't care about this. We may not make the progress as fast as you want and as fast as we should accept the challenges, but I've never met a person in this House who doesn't care. They care deeply about this.

That's why I'm standing in support, because I've personally had to experience exactly what she's talking about in this bill, and that is the transportation of children to the place where they should be. Unfortunately—and I say this sincerely—in the schools where I was principal, in some cases the children only connected with the teachers, the principal, the staff and the kids of the school. If that's the place where they should be, why are we moving them away from it?

She's pointed out—and every member here acknowledged this—that we have continued to find little pieces of a hole that should be filled, and this is one of them. I passionately ask all of us to understand that we cannot solve all of the problems right away, all the time, but this

is the place where we have been filling those holes. We have been filling those holes at private members' time, day after day, every Thursday, with private members coming up with ideas that individually fill those holes and make it better. That is what we're doing here in this bill, and I'm going to say into the next bill coming up. Let's not make accusations against each other as opposed to acknowledging what the value of the bill is and getting it done.

Do I accept the challenge? Do we accept the challenge? There isn't anyone in here who doesn't accept the challenge that poverty sucks, and it's not the right thing to do. What we need to do is accept those challenges and try to move forward in a smart way. This is a smart bill because it does address that. Do we get to the root causes in this bill? No, we don't. But do we accept the challenges of whether or not we should be making life better for the children of Ontario by filling this hole? Absolutely. I'm going to challenge our government to do that. In private members' time, it does end up becoming a government initiative, because private members from all parties come up and say, "This is a hole that needs to get filled," and we're doing it.

The experience I've had with individuals—I had to go to my board and literally fight and fight for some of those students to stay in my school, because I knew that was the best thing for them. These children would have been moved from place to place, not three times in some of the cases I experienced, but four and five times, because they were difficult to serve. What we need to do is understand that concept and fill those holes.

I thank the member from London. I thank her for bringing this to our attention, and I accept the challenge to receive it.

**The Deputy Speaker:** Ms. Matthews, you have two minutes to respond.

**Ms. Matthews:** I must say that I am delighted by the response of the members on all sides of the House. The member from Oak Ridges, thank you. I appreciate your support. I especially appreciate your comment that we should consider this to be an investment, not a cost, and that we not allow these kids to be victimized once again.

The member from Parkdale—High Park, I appreciate your support, and I appreciate your passion and your recognition that we have work to do to address the root causes.

The member from Peterborough brought in the experience in the United States. I think we can learn from our jurisdictions on this, and I thank him for that.

**1100**

The member from Haliburton—Victoria—Brock, I thank you. I agree that we as members do get to see things we might otherwise never, ever see and how every day is a learning experience for us. This certainly is not an issue I would have been aware of had I not been a member.

The member from Hamilton East, I will take that advice about including that amendment seriously. I think it's probably a very good one. I thank you for that and I thank you for your support.



To the member from Prince Edward–Hastings, you bring a wisdom only the experience of a foster parent can bring. I guess what I want to say is thank you for your support of this and for your unfailing consideration of the most vulnerable in society.

To the member from Brant, your experience as a principal, where you've actually seen this up close, just underlines the importance of this bill. I appreciate it, and I'm glad to know that you, with all of your force, are behind this bill. So, many thanks.

This is not a bill that will solve all the problems of these kids, not by a long shot—there is much, much more that needs to be done—but it will make the lives of some of these kids better and more stable. I look forward to it moving forward.

HIGHWAY TRAFFIC AMENDMENT ACT  
(USE OF PORTABLE EQUIPMENT BY  
NOVICE DRIVERS), 2006

LOI DE 2006 MODIFIANT LE CODE DE LA  
ROUTE (UTILISATION DE MATÉRIEL  
PORTATIF PAR LES CONDUCTEURS  
DÉBUTANTS)

Mr. Flynn moved second reading of the following bill:

Bill 135, An Act to amend the Highway Traffic Act to prohibit the use of phones and other portable equipment by novice drivers while driving on a highway / Projet de loi 135, Loi modifiant le Code de la route pour interdire aux conducteurs débutants l'utilisation de téléphones et d'autre matériel portatif pendant qu'ils conduisent sur une voie publique.

**The Deputy Speaker (Mr. Bruce Crozier):** Pursuant to standing order 96, Mr. Flynn, you have up to 10 minutes. The floor is yours.

**Mr. Kevin Daniel Flynn (Oakville):** It certainly is a pleasure to be here today to rise in the House and speak to my private member's bill. You get very few opportunities to do this, and certainly you like to do something that's of some value to the people of Ontario. I'm hoping that all members of the House today agree that the bill I'm proposing is of some great value, especially to the younger drivers in our province or those people who are not young anymore but are just learning how to drive.

Bill 135 will amend the Highway Traffic Act to prohibit novice drivers—and that's novice drivers of any age, not just teenagers—from using a cellular phone, a car phone, a pager, personal data assistant or any other personal portable electronic device prescribed by the regulations while operating a motor vehicle. My private member's bill is intended to improve the safety of all drivers in Ontario, but the focus of the bill very specifically is on our newest drivers, those who are operating with a G1 or G2 licence under the graduated licensing system.

The consequences of driving while distracted are disastrous. That evidence is becoming clear. Many organizations throughout North America are starting to come

to grips with it. Each year, many accidents occur on our highways, many injuries occur and many deaths result as a result of distracted driving. According to Ontario police data here in our province, in 2002, 7.9% of all drivers involved in collisions in Ontario were not paying proper attention to the road at the time of the accident. Just one year later, that had already grown to over 8%, to 8.1%. There are obviously a variety of distractions that drivers face on the road today. That can be anything from billboards, to other people in the car talking to them, to eating. There are all sorts of things out there that could distract you while you're driving.

This bill takes aim at something that we can regulate, and that's the use of devices by those people who are just learning how to drive—novice drivers—and we can do that today. I know this bill has generated an awful lot of interest in the media. It's generated an awful lot of interest amongst people of all ages. Once all aspects of the bill are understood, this bill receives unanimous support, I believe.

It's something we can do today. There obviously is a debate that is raging out there in North America on the use of cellphones in general. That debate, I think, has yet to occur in Ontario, although it certainly has been the topic of a private member's bill by the member from Durham on a number of occasions. I think Mr. O'Toole has been after that bill since 1999.

**Mr. Jeff Leal (Peterborough):** He's been a leader.

**Mr. Flynn:** That's right.

This is something we can do today. This may be the first step to further regulation, it may be something that is just stand-alone that makes sense for us to do, but it makes sense that we take some action on this issue today.

The most recent study released this past April by the US National Highway Traffic Safety Administration estimates that distractions are a contributing factor in eight out of every 10 police-reported traffic accidents.

There's a tremendous cost associated with motor vehicle accidents. For example, injuries from vehicle collisions cost Ontarians over \$1.1 billion in 1999. Think of what we could do in this province with an extra \$1.1 billion. Injury as a whole has been found to cost the Ontario economy \$5.7 billion annually. While it is sure that all of these are not related to distracted driving, distracted driving nonetheless plays a huge role in this issue. Prohibiting the use of portable devices while driving will have a definite impact and will save taxpayers money in this province. I've introduced this bill because I think we can do something to improve the safety on our roads, and especially the safety of novice drivers here in Ontario.

I'd like to take a moment to recognize an organization that has been at the forefront of the campaign to raise awareness about distracted driving and the use of portable devices by drivers. The Canadian Automobile Association, the CAA, deserves a lot of credit and our admiration for their work on this issue. They have launched an educational campaign on distracted driving with an excellent website that provides a variety of background information and resources on the use of devices



while driving. The CAA also co-hosted the first-ever International Conference on Distracted Driving in Toronto in 2005.

We have with us today in the Legislature Mr. Kris Barnier, who is a provincial affairs specialist with CAA Ontario and is sitting in the members' gallery. I'd like to welcome and thank Kris for the CAA and for all the important work they have done in highlighting this issue. It's one of the most common contributors to traffic crashes; it's a problem that affects all road users, but certainly newer drivers are at particular risk.

Using a portable device while driving places demands on drivers' attentive resources, which is dangerous. Studies have also shown that drivers who are distracted by such things as cellphones were simply unable to properly estimate correct safe stopping distances. Distracted drivers are less able to anticipate hazards and choose the appropriate time to even enter into a line of traffic. Similar legislation dealing with novice drivers does not exist anywhere in Canada today.

I believe we are uniquely positioned in Ontario as legislators to take a leadership role on this issue. Only in Newfoundland and Labrador is it illegal to use a hand-held cellphone while driving, and that applies to all drivers. I believe my bill will be effective, as it will ban portable devices for novice drivers, both hand-held and hands-free. Just because you aren't holding your phone doesn't mean that you are paying more attention. It may be more evident to another driver who is watching you on the cellphone, but certainly that does not mean, because you are using a hands-free device, that you are paying more attention to driving.

This bill targets our newest drivers, those who are just learning how to drive. If you can remember how you felt the first time you got behind the wheel of a car—not in the passenger seat, but behind the wheel—and all the instructions you were given—where to place your hands on the steering wheel, when to step on the brake, when to look in the rear-view mirror, when to look over your shoulder—we are saying to novice drivers currently in Ontario that it's okay to learn all those things and, at the same time, if the phone rings, just pick it up. That simply does not make any sense. Eleven states in the United States have already passed legislation for novice drivers using cellphones. Another 26 states are currently reviewing it.

Our graduated licensing system has been a resounding success in reducing death and injury amongst novice drivers. Currently, we place very sensible restrictions on novice drivers as they proceed through the G1 and G2 phases of earning a full G licence. Novice drivers are currently subject to limitations that we're not subject to as full holders of a driver's licence: zero tolerance for alcohol consumption—a novice driver cannot have any alcohol at all in their blood system; a novice driver is not allowed to drive on the 400 series of highways at any time and cannot drive on any street in Ontario between the hours of midnight and 5 a.m. There's a limit on the number of teenage passengers allowed at any one time,

and you've got to have an experienced driver with you. These are restrictions we already place on G1 and G2 holders because we know they're in a learning phase. Restricting the use of cellphones simply adds to that sensible list of restrictions. If a driver breaks any one of these rules, they're subject to a 30-day suspension of their licence. I would add cellphones to that list.

**1110**

I believe our newest drivers are important to target because preliminary research from the CAA and others has identified an enhanced risk for young people, as they are more likely to use a portable device while driving. I would like to point out, however, that this bill targets new drivers, those who are novice drivers and not simply young drivers. I believe some of the best and the most attentive drivers in Ontario are young people between the ages of 18 and 25, but during the novice years, at any age, I think we should place this restriction.

Our province and especially the greater Toronto area are among the top destinations for new Canadians. Regardless of your age, if you're learning to drive or just getting your licence, the restrictions in this bill make sense.

We've had some very favourable reaction to this bill in the media so far. I've seen polls that have been conducted by AM640 and CFRB 1010, and all the responses from the public came back very, very supportive. About 90% of the respondents agreed in the CFRB poll; over 84% agreed in the AM640 poll. We received supportive e-mails from all over the province—from the prairie provinces and from British Columbia. I'll tell them all, as I'm telling you now, that fundamentally this bill makes sense because it increases safety for our young people. That certainly should be the aim of any legislation we pass in this House.

I certainly would appreciate the support of all members on this bill.

**The Deputy Speaker:** Further debate?

**Mr. Leal:** I want to thank the member from Oakville for giving me the opportunity to speak on Bill 135, An Act to amend the Highway Traffic Act to prohibit the use of phones and other portable equipment by novice drivers while driving on a highway.

Safety on the roads is a great concern to us all. We often see Sergeant Cam Woolley, who has become a fixture on most of the media outlets across Ontario, during holiday weekends in Ontario. We just finished having a Thanksgiving weekend. Sergeant Woolley provides reports that are often very tragic in nature about the issue of road safety in Ontario and how we can take proactive action to improve road safety in this province.

I know a gentleman from Peterborough, Tom Robinson, who is a director of CAA. I've certainly had the opportunity to talk to Mr. Robinson in his role as director to make sure that the government of Ontario indeed is advocating for measures that do improve road safety in Ontario.

I know from my own personal experience, having an eight year old and a six year old, that one of the best



investments my wife and I made in a new vehicle was getting a video inside the van. While my kids get along very well together, from time to time there is a difference of opinion, and when that difference of opinion occurs it can be a distraction, certainly for my wife and myself, who's driving, and on long trips the video has made a great difference in that area.

There has been some data collected from the United States National Highway Traffic Safety Administration that has looked at causes of crashes throughout the United States, and they've ranked them accordingly:

- using other devices in a vehicle, such as navigational instruments, business tools, cellular telephones;
- something taking place along the side of the roadway;
- an unexpected noise;
- operating the radio, CD or cassette player;
- adjusting the climate or operational controls in a vehicle;
- eating, drinking and smoking while operating a vehicle.

Other distractions they've identified include personal grooming, conversations with passengers, disciplining or tending to children, or reading or writing while driving a vehicle.

They went on to say:

"Distracted drivers react more slowly to sudden traffic conditions or events, such as a car stopping to make a turn, or pulling out from a side road. They fail more often to recognize potential hazards such as pedestrians, bicycles or debris in the road. They decrease their 'margin of safety' leading them to take risks that they might not otherwise take, such as turning left in front of oncoming traffic.

"When a driver's attention is drawn away from the road and the surrounding environment, the result could be a delayed reaction to a hazard, or possibly a failure to detect it at all. All of these are common factors associated with vehicle crashes. Driver focus is critical to anticipating and avoiding collisions."

In effect, along with our colleague the member from Durham, who is advocating a complete ban on the use of cellphones in Ontario, it seems to me my colleague from Oakville, through Bill 135, is directing it to young drivers. I will get on the record that young drivers are indeed very safe, but many distractions have been clearly identified: the issue of using radio players of various descriptions or a cellphone. I believe this bill goes a long way to help improve road safety in Ontario. Indeed, any measures that we can take to reduce the carnage on Ontario's roads are initiatives that should be taken. As Sergeant Woolley says on many occasions, many of the fatalities that occur on Ontario's roads today are preventable. Any action we can take as legislators in the province of Ontario to reduce those risks, to make our roads much safer, are actions I think we should take. So I will be supporting Bill 135.

**Ms. Andrea Horwath (Hamilton East):** I want to start by saying that I found it very interesting initially.

My first reaction when I heard about the member's bill being on the agenda for debate today, my gut reaction immediately was, why only young drivers? Why is it that this is about young drivers? I found it very interesting that he addressed that in his remarks, indicating that in fact it wasn't his intention to talk about young drivers per se, it wasn't an age issue, but rather an issue of novice drivers. But at the end of his remarks he closed by saying it's about safety for young people. So I think the member perhaps initially went out thinking that this was for young people, heard some of the criticism around the fact that it shouldn't be about not valuing or appreciating the sensibilities of our youth and not supporting the fact that our youth are in many cases very bright and wise and responsible people, and has perhaps backtracked a little bit and changed his course. If that is the case, that's great. I think any member would recognize that young people quite often get a shafting and are often blamed for many things that perhaps some of their peers might be doing. We tend to paint our young people with a broad brush and often don't give them the dignity and respect of acknowledging that the vast majority of young people in fact are responsible and do want to do the right thing and are not the ones who often, unfortunately, are in a position of causing some angst in communities with their behaviour.

**1120**

Having said that, I would say that I support the principle of the bill overall, but I really do believe that the bill that was brought forward by the member from Durham a while back spoke to everyone. It spoke to the issue of the use of electronic devices—I believe he was specifically talking about cellphones, but in fact it's the use of electronic devices—by everyone in cars. If we agree or believe that the stats that the member from Oakville was raising—in 2002, I think he said, 7.9% of accidents were the result of distractions, and in 2003 I believe he said that rose to 8.1%. If we believe that accidents are being caused in this province because we allow people or we don't restrict people or we don't regulate the use of electronic devices, I would be interested in knowing how many of those 7.9% or 8.1% stats were specifically novice drivers using electronic devices, as opposed to simply saying that these accidents were caused by distractions. So you see where I'm going. It's a matter of saying that if distractions cause accidents, if electronic devices are the things that are currently the greatest distraction within the realm of things that are causing accidents, then we should regulate the use of those in cars for everyone, not just for novice drivers.

I wanted to indicate that I think even if we do move to regulation, whether it's through the member from Durham's perspective in terms of a more broad-based regulation or the member from Oakville's perspective that it really should be focused on novice drivers, regardless, we're still going to be in a situation where we're going to have to find ways to monitor and enforce this kind of change. I would hope that the monitoring enforcement pieces are brought into consideration, so



that if we actually do get to a place where we have this new regulation in one way or another, we're acknowledging that it creates a strain, for example, on municipal budgets, because perhaps police are going to have to be a little bit more bumped up in the traffic department to try to reinforce some of these issues. For example, when seat belt legislation came in, a lot of focus was put to the traffic sections of the police departments, because they wanted to reinforce that seat belt legislation was important and thereby put more focus on that. Again, if this comes into play in a more permanent way in the province, I would hope that there's some acknowledgment of the need to pay for and support the work of enforcement agencies to make this move more effective.

A number of issues have been raised around what constitutes a distraction, and there are a couple that have come up with other members. It's interesting, because I know that a number of members of this Legislature—in fact, it happens during debates; I'm seeing it happen at this very moment. I was doing it myself a little earlier, I must admit, because I have a problem with my BlackBerry. But we all use these devices—we use BlackBerries, we use cellphones. So I'd be interested to know—I'm not going to ask for a show of hands—if any members of this Legislature use cellphones, BlackBerries and those kinds of devices in cars as they're driving, because you know what? It does happen, and it's shocking to see. When you're driving anywhere, in fact, you notice people doing things that they just shouldn't be doing. Oftentimes, you shake your head and you think, "Gee, that's an accident waiting to happen." Yes, it's BlackBerries, cellphones, novice drivers, long-time drivers, and it may even be members of this very Legislature who are—

**Mr. Leal:** Personal grooming in cars.

**Ms. Horwath:** Well, you know what? It's funny that you raise that. The member from Peterborough talks about personal grooming. But as he was listing a few of the distractions that people have, I remembered when I was in university that one of my friends, who was a little bit older than I—we had all just gotten our driver's licences, but she had been driving for a little bit longer—got into a fairly significant accident. The reason she got into the accident was because of her, dare I say it, Tim Hortons coffee. She put it on her dash, turned out of the Tim Hortons and the hot coffee spilled everywhere. It burned her and burned her passenger. They both kind of screamed, they were quite distraught, and of course she smashed into another car because of the distraction of having burning coffee on your lap when you're trying to drive.

Again, there are a number of different things that cause people to be distracted from the road, not to say that all these accidents are Tim Hortons' fault, but certainly that's one of the ones that I remember quite clearly. And you know what? When I found out about it, it taught me a lesson. I'm always very, very careful now if I'm going to have anything in the car. You see people juggling with their bottles of water, undoing their bottle

cap, trying to steer at the same time and drink their water. You see that all the time driving on the highway. I see it often when I'm in gridlock on the QEW, coming either to or from Toronto, as I have to come from Hamilton along that roadway, and there are lots of individuals, unfortunately, driving in cars. They don't have two or three passengers with them—they're not carpooling or anything like that—so they're doing these things on their own.

Personal grooming: lipstick. How many times do I see someone with their visor down looking in their mirror and putting lipstick on, or—I could say some other things that I've seen, but I don't want to go there; I don't think anybody wants to go there. It's before lunch, isn't it? We don't want to talk about that. But certainly personal grooming is one that I've noticed.

You know which one I've noticed as well? The member talked about kids in the car, and I had that down as one of mine too. I put "arguments"—you know, when you're having a domestic in the car. Usually it's your kids; sometimes it's yourself with your partner or whatever. But one of the other ones is waving politicians. How many people during election campaigns are driving along and there's the politician waving on the side of the road with their team of people and their election signs? I would suspect that most people really want to just drive those politicians over, they want to just run them over, because you know what? Waving politicians are a big distraction to people. Who the heck needs to see that when they're driving to work: some waving politician with their election sign on the side of the street? I have to say, I don't think I've ever done the waving politician thing. I think it's kind of cheesy, to be honest with you, but what it certainly does is distract drivers from what they're supposed to be doing, which is paying attention to the road. So for everyone here who's thinking of supporting John O'Toole's bill or thinking of supporting Mr. Flynn's bill, let's remember that we have to do our part as politicians and stop that waving on the side of the road, because it's something that distracts drivers.

To be a little bit more serious, there are real challenges we have as technology changes and as the technology becomes smaller, more compact, more convenient, more easy to be transported and carried on the person. There are challenges we have about educating ourselves as the people who are long-time drivers and experienced drivers, but also building in to all the drivers' training courses and all the driving processes to make sure that people understand very clearly that in a split second of taking your attention off the road, you can change your life or someone else's life forever, and not in a positive way. One of the most powerful weapons that everyone has access to is a motor vehicle. The problem is that unless we start educating and raising awareness about this issue—we can do all the regulating in the world, just like the seat belt regulation. It took a heck of a lot of what's called social marketing—getting that message out there, trying to change people's attitudes and behaviours—before the use of seat belts became as widespread



as it is now. People resisted. They didn't want government to tell them what to do.

Similarly, if we're going to move forward with anything, whether it be a more broad or widespread ban, whether it be something more focused on novice drivers, we really need to put the effort and the initiative into the education portion, into the awareness portion of this kind of effort. I think it would behoove the government—I wish the Minister of Transportation was here right now, because I think there are some good ideas around how we can encourage existing bodies, existing departments of government, to come up with some of these education campaigns at this point in time, not even having to wait for legislation or regulating the use, but taking the fact that this issue keeps coming up and starting to internalize that within the day-to-day business of the Ministry of Transportation as it stands now—perhaps developing and producing some educational pieces for billboards, for television, for radio. Okay, so advertising is a bit of a sensitive issue right now for government. I acknowledge that, I recognize that. In fact, my party has been criticizing it nonetheless. But there is a good example of something that would be useful and helpful and would begin that process of raising awareness around the use of these kinds of devices so that it's not a matter of targeting this kind of driver or that kind of driver, but to say that it's our collective responsibility not only to not do this ourselves, but to be clearly vocal about it when we see someone else doing it, to discourage the behaviour if others are doing it and make it become something that's not acceptable, something that people frown upon. Again, that will reduce the incidence of people undertaking that kind of behaviour, I believe.

It's interesting, because one of the other things that came to mind very quickly for me when this bill was coming forward, when I knew we were going to be debating it, is a particular example of a person in my community who, again, had some frustration in using our current drivers' test system.

1130

What happened to this particular person is that she logged on to the computer to book her driver's test at the privatized driving centre in our city and, unfortunately, when she paid her credit card amount of \$70 and she chose the date on which she wanted her driver's test to take place, she received an e-mail back indicating that she was booked for that very day.

She immediately sent something back to them saying, "You've made a mistake. I've paid my \$70 by credit card. I can't come today. I'm booking for the 20th"—basically, about three weeks later.

She was told, "That's too bad. We don't rebook. You've booked the wrong date. It's not our fault; it's not our problem. Go on your way, and if you want to rebook, it will cost you another \$70. We're not refunding your fee."

We, of course, worked with that person and with the minister's office and tried to change the outcome for this woman, but it was quite interesting to see the resistance

in that private company to trying to do the right thing for this person—the resistance. They simply thought they were above the law, that they had no accountability whatsoever. They couldn't give two hoots if we were calling the minister's office or not. They didn't care that this woman, through no fault of her own, because of a glitch in their computer program, ended up with the wrong date, and they were very stubborn about it.

I raise this because I really don't think we're going to get anywhere with these kinds of new initiatives if we're not making it clear to the various bodies that are charged with carrying out some of the government duties.

In my opinion, it is unfortunate that this is the way another government in this province went: privatizing a lot of these facilities. When you privatize them, you just don't get the accountability. You don't get the opportunity to really make them accountable as policies change and as priorities change, in the way that I firmly believe you can when you have those kinds of direct relationships of in-house service provision. That is another issue I think is looming, and we have to take it seriously, around getting other agencies to do our work if they're privatized.

I have run out of time and I still have a couple of points left, but I thank the member for bringing the bill forward, and look forward to other people's remarks.

**Mr. Dave Levac (Brant):** I appreciate the opportunity to address this bill, Bill 135, the Highway Traffic Amendment Act to prohibit the use of portable equipment by novice drivers.

The member for Hamilton East gives us, again, some more challenges that I think are valid that we need to take a look at in education.

I have a couple of ideas I want to share that I know the member for Oakville has heard before, and I know he'll hear again.

The research: We shouldn't be rejecting the research, because it is scientific and it is pointing us in the direction of the most important impact we can have on this particular event inside of this bill. I continually remind us that we're talking about small pieces, small steps to improve the holes that are found in each.

I offered a private member's bill quite some time ago about safe school zones, where we finally adapted somewhat of the idea—where we were not slowing traffic down in front of schools when kids were going to and from school. When Florida did it, they reduced their accident rate by 82%, and it became a culture.

Here's how the culture changed that the member for Oakville is talking about: The culture change came when they made it part of the driver education program and the testing to get your licence in the first place. They had to show that they knew they had to slow down in front of a school.

In this case, I would highly recommend that we work with the MTO to say that, if and when this bill should pass, or something like it, we should be making sure that in the regulation this is part of the education process that makes it clear, to help us change the culture of what's



going on in front of that car, inside of that car, around that car and in front of schools.

Here's the other piece: Message boards on the highway have been researched. They have an impact on the driver's performance. When the sign across the road says, "Traffic slow between such-and-such an exit and such-and-such an exit," people begin to slow down already. Using the message boards does change driving habits, so that would be another area where we could improve the circumstances behind that. We could use the message boards right on the highway to explain—and they do use them now.

I've driven and I've said, "Keep your mind on the road. Don't use your cellphone." I'm going to tell you that it does have an impact.

The last piece that I want to talk about quickly is: Go to the source of knowledge. You know where the source of knowledge on this one is? Truck drivers. I've talked to an awful lot of truck drivers, and they've informed me of the things they've seen happening in cars. I don't want to tell you what some of the stories are. Some of them were: bare feet in front of the windshield, putting on makeup, eating breakfast, drinking coffee. These guys were telling me stories and I was sitting there going, "No, that's not going on on the roads in the middle of a 2,000-pound weapon." And the answer was, "And more." I am sensitive to this Legislature. I respect it so I won't get called out of order. I won't tell you what the other things were that they were telling me they were seeing.

But having said that, we need to change a culture, and inside of changing that culture, we need to take examples from other areas. There are other examples of other areas. This one is pretty good because, I'll tell you what: We have done the research on the graduated licensing introduced by the previous government. What they found was that drivers improved. It wasn't the best, but young drivers actually improved their skills on the highway, their skills on the road, by having this graduated licence. The expectations of some of the things, as they get their full-fledged licence, have improved. Does it need to be better? Absolutely. This is one of those bills that I believe fills that hole, where we can make that improvement.

There was research done on this. The CAA is another example. They're supportive of this bill. What they're saying is that the research shows that young people inside the graduated licence system do change the culture of how they perform in those cars. This is another example of how that could happen. I recommend that we support the bill, and I support the bill fully.

I thank the member from Oakville for plugging this hole, as we do often in this Legislature during private members' time. Thank you very much, member.

**Mr. Jerry J. Ouellette (Oshawa):** I very much appreciate the opportunity to speak on Bill 135. How did we ever get to this situation? How did we ever exist without cellphones and BlackBerries? Police cruisers have computers in the cars; imagine that. Once upon a time we put radios in cars, and from what I understand, the same debate took place: "You can't put a radio in a car because

you're going to be distracting people, and look what's going to happen. They're going to be driving all over the place and they'll be dancing in the cars," and on and on and on. Guess what? We did.

Then the truckers got CBs, and we got, "How can those truckers be paying attention?" and "Come on, good buddy," and all that kind of stuff; "We got a convoy going on," etc. And the truckers made it through. Now the truckers have GPS that will tell their companies exactly where they are, the speed they're going etc. How we've advanced from there.

One of the members mentioned the things we see in cars. When I'm driving in on the 401, I see people shaving, putting on makeup, lipstick, eating breakfast, drinking coffee. Just as the member from Brant mentioned, there are so many things going on there that we hear about on a regular basis. You have to look at all these things and take them into consideration.

I want to tell you, as a father of two boys—Josh is now 11 and Garrett is nine—there was a time where the biggest distraction going was somebody arguing in the backseat; try and watch what you're doing at that time.

**Mr. Levac:** "Don't make me pull over."

**Mr. Ouellette:** Yeah, pull over, all the time when you're on the 401 or wherever you're going, everywhere. You try to do the best you can. Yes, there are certain things that take place in our community, and the HTA, the Highway Traffic Act, does address a lot of these; we'll get into those. But there are so many other things that are mentioned.

You drive on Simcoe Street in Oshawa, you're looking up and down the road, and they've got Little Caesars. They're running out shaking these signs in front of you, and Quiznos Sub is doing the same thing. They're shaking their sign. It was also mentioned to read the sign "Pay attention to the road." Well, I'm looking at the sign saying, "Pay attention to the road," the information sign. What are they saying that for? I was watching the road in the first place. All these distractions are taking place on a regular basis, and it's all part of the learning process and what takes place.

What these new technologies have done is, effectively, in the case of MPPs or others who utilize them, expanded the work day for us. Communication is now instant and right there, and when people want to talk to us or we need to get back to individuals, we take that opportunity to be in touch with people, to be in constant communication. I can remember one of the deputy chiefs of the Durham Regional Police who said, "They didn't quite figure it out when we gave all our senior officers cellphones, because we got an extra hour and a half a day out of them because they were doing work and they were accessible all those times."

At a quarter to 7 this morning, I and a retired chief of police sat down and discussed this very bill. His comments were, "I realize this deals with G1s and newly licensed drivers. Realistically, I'd like to see some stats that pertain to that." I'm going to get into that a little bit. Are insurance companies offering reduction rates for



non-cellphone users? They used to have abstainers who used to receive—and I don't drink at all; it has been six years or so over that. But I don't even know if they have those reduction rates anymore. Do they have reduced rates? If they don't, then it's not an issue with the insurance companies.

1140

Anyway, the issue that came up this morning with the retired chief of police was: Look at police officers. They've got on-board computers, cellphones, walkie-talkies, direct communication. They've also got communication between officers—dispatch communication. I know that conservation officers have about four different pieces of communication in their vehicle at all times that are going all the time where they are. But how do we get by? How does it happen?

What are you going to do with the new GPS systems that are out there? I happened to be driving to an event with a friend, and he had a new GPS. He plugged in where we were going. It says, "Turn right, 200 metres. Turn right, 50 metres. Turn right now." Is that a distraction or not? What's taking place there is, the GPS is now taking the function away from the driver of watching and knowing where they're going. The GPS is making that decision, and guess what the driver is doing? They're talking about other things and not focusing on those things. So is that a distraction or not? Is it an aid? I know that one of the car companies produced a vehicle that projects on the windshield in low-light conditions and poor visibility to see what's going on along the side of the vehicle. So you can now see the sides of the road on your windshield, which is supposed to be a great aid, but is it or not? I don't know. Those are some of the things that have to be decided.

I have an old form of GPS which is great. It shows all the roads, the maps and all those sorts of things, and it tells me effectively where I'm going. As the members know here, when you're dealing with the province of Ontario, you're in a lot of different jurisdictions. If you've got something that says, "This is where you're going; that's how you're getting there. That's a one-way street: Don't go down there," it's a great aid and a great benefit. But it's like anything else. It's those aids and benefits that you have to make sure you're using in a proper fashion.

I don't know if there's any data, as I mentioned before, that specifically states that new drivers in the province of Ontario are the ones. I don't see reductions by insurance companies for those non-cellphone users or if there are any agreements that they sign. I don't see any indications by the insurance industry to say that this is a main problem we need to have. Mr. O'Toole will maybe tell us a little differently later on, because I know he's done a lot of research on that, but I do want to tell you that I had students from John XXIII Catholic School in Oshawa here today and I asked them, and they were quite openly in support of the bill.

I intend to listen to a lot of the debate on it and make a decision at that time. I would like to see more stats, spe-

cifically as relate to new drivers. Are there any insurance stats or claims coming forward?

It was also mentioned about Sergeant Cam Woolley. Cam Woolley also realizes and knows that there is a component within the Highway Traffic Act that specifically states that you must always maintain proper care and control of your vehicle. When you are not, you are in breach of that law, the Highway Traffic Act, and the policing authorities have the authority currently to lay charges to those individuals who are not in proper care and control.

Thank you very much for the opportunity to debate. I look forward to listening to more.

**Mr. Khalil Ramal (London-Fanshawe):** It's my great pleasure to rise in this House today to speak in support of Bill 135, the Highway Traffic Amendment Act (Use of Portable Equipment by Novice Drivers), 2006.

I was listening to many speakers in this House talking about the importance of this bill. First, I want to commend the member from Oakville for bringing such a very important piece of legislation, because it's about safety: how we can create safety in the province of Ontario, how we can enforce that safety without passing such important bills, like this one here before us, in order to maintain safety. I listened to many speakers. It's important. What-ever is being said in this House is correct.

I used to work in Woodstock. I used to commute with a friend when our shift used to be the same time. On our way to Woodstock, my friend used to put on her makeup, drink coffee and talk to me. It was frightening. I was polite. I guess I didn't say much, because she was giving me a ride to Woodstock.

*Interjection.*

**Mr. Ramal:** Well, I don't know, but she was trying to put her makeup on, drinking coffee and at the same time talking to me. So I was, I think, polite. Maybe because she was giving me a ride I didn't say much. I should have said back then, "Come on, my friend, it's not the time to do it."

Anyway, many people talk on the phone, use a BlackBerry, you know, socialize, do a lot of things, as the member from Brant and many other members in this House mentioned. But the very important thing is, we have to start somewhere. I think the member from Oakville started in the right spot: the novice drivers who are the newest drivers in the province of Ontario, who happen to be young, just got their licence, or they came from a different province or they came from a different country altogether.

You know, we have a way to drive in Ontario. We have certain circumstances, rules and regulations. You have to learn those regulations. It doesn't come very fast and quick. We have to get trained. Then, when you get comfortable, maybe you are able to use a phone, maybe you are able to use different electronic devices. But the most important thing is, we have to make sure that safety is in place, because it's our responsibility as a government, our responsibility as citizens of this province to make sure that safety is in place, and to create the safety



of the people who are driving and using the phone or electronic devices; also for the people who are on the road, walking or driving. So this causes a lot of accidents.

While the member from Hamilton East was speaking, somebody in London, I think he's named Peter Foy—my friend Peter Foy e-mailed me. He's a former police officer in London and originally he was from England. He sent me an attachment talking about how important it is to ban the cellphone while you're driving. Unfortunately, I couldn't open that attachment on my BlackBerry, but he said it shouldn't be only for the novice driver; it should be for everyone. But we have to start somewhere.

I think it's a very important step which the member from Oakville brings to us today, and I heard all the members from every side of the House—from the Conservative, from the NDP, from our caucus—supporting this initiative, supporting this bill and talking about how important it is. Because if we create safety, it would mean less pressure on the hospitals, less pressure on the police system, less pressure on the fire departments, less pressure on the ambulance service and also less pressure on our budget, instead of wasting more than \$5 billion to \$6 billion on a yearly basis, and I urge our people that in relation to collisions or accidents, I think it will save us a lot of money.

I also want to commend many private companies who enforce a ban on using cellphones while working, like the member from Oakville mentioned. The company name—I believe one of them is Union Gas and another company—I don't remember the name. Anyway, it's important; they have about 20,000 members—AMEC. They are banning their employees' use of electronic devices while they are at work. It's very important to create safety for their employees, and also for the people around them who are driving or walking on the road.

Sometimes we go—especially like myself; I drive two, three times from London to Toronto. I see a lot of accidents on a daily basis. I see a lot of accidents on my trips. So I wonder, are those people who are paying attention to the road, who are paying attention while they're driving, or were they speaking on the phone, using their BlackBerry? We can use a lot of simple things to protect our community, to protect the people who commute on a daily basis, and also to create safety in this province of Ontario.

I'm honoured to have the privilege to stand up and speak and support the bill. I think I'm going to support it and vote for it as a first step toward eliminating the use of cellphones or electronic devices while we are driving, for safety, for the sake of the province of Ontario.

**Mr. John O'Toole (Durham):** I'm pleased to take a minute and respond to Mr. Flynn's Bill 135, which was introduced on September 25, 2006. I would say at the outset that the best form of flattery is imitation. That being said, he must agree with my bill substantively. I know that Kris Barnier from the CAA, in the audience, substantially agrees that my bill should go for public hearings. In that respect, I think Mr. Flynn and I are

really trying to provide a public service, and in that respect, I'll be supporting the bill.

I hope that, quite frankly, the simplest solution is my bill, referred to as Bill 68. It's sitting on the order paper for the estimates committee at the moment because it has passed second reading. That bill, of course, would be amended probably in the committee process and it could be implemented, as Mr. Flynn and I could work together, which would be quite novel in this House, to see two people from different parties working together.

**1150**

Most of the comments germane to the debate are important. I want to draw to your attention that there are many academics outside of here who are doing a lot of research. I want to mention Professor David Wiesenthal, who is in the department of psychology at York University, and his partner, Dwight Hennessy, who are editors of *Contemporary Issues in Road User Behavior and Traffic Safety*. I'm looking at a specific edition here issued by them. I'll just read a few comments, because there are more academics than just those two. There's been research done by the government itself, governments in other jurisdictions, and there's the famous Redelmeier and Tibshirani study that was done in 1997.

I think what's important here is to look at other jurisdictions, and the research that has been done. Specific to Mr. Flynn's Bill 135, it says here, and I'm reading from the Wiesenthal study: "Canada's Traffic Injury Research Foundation (TIRF) conducted a nationwide survey and found that 40% of Canadians believed that driver distraction constituted a serious problem, with two thirds of respondents describing cellular telephone use by drivers to be a 'serious' or 'extremely serious' problem." They're quoting a research paper by Beirness, Simpson and Pak in 2002.

They go on to say, "The TIRF survey estimated that 4.3 million drivers placed cellular telephone calls while driving over a one-week period and found that cellular telephone users tend to have the following characteristics:"—this is the important part, the characteristics of typical cellphone users. "They are male, younger drivers, have a job requiring driving, live in urban areas, consume alcohol and then drive, and have received a traffic ticket."

There is evidence in some jurisdictions that they're profiling young people today. In fact, the Ministry of Transportation just last year, under Minister Takhar at that time, passed a bill that pushed restrictions on young drivers. Our government, many years ago, introduced the graduated driver's licence system, which indicated that inexperienced and novice drivers, as you would call them, needed to have some restrictions or special consideration or help or assistance while they learned to drive. So in that respect, Mr. Flynn is on the right case here. My bill did exactly the same thing; it extended it in other areas.

But the point being made here is that young drivers tend to have a greater degree of risk. That's why they pay high insurance rates. Today, they can't drive after



midnight, until 5 in the morning; they can't drive on 400 series highways. So there are restrictions on graduated drivers today. The evidence proves that that is the case. This isn't politics.

It goes on. I could quote this paper. There's the epidemiological report done by Redelmeier, and in it they compared drivers, and they're more likely to be engaged in an accident.

What this is trying to do is make our roads safer. In that respect, I would say that the Ford Motor Co. has just conducted a study on driver behaviour as well. So there's much interest and much research. Some of it needs to be confirmed.

One of the things that my bill, Bill 68, does—Bill 135 is similar to it—is actually to require accident investigation reports to account for whether or not technology played a contributing role. I think it's very important to have certainty around the data we collect as we move forward to make our roads safer.

Multi-tasking has been described as simply unsafe. Driver education itself should be modified to address driver distraction in all its forms, whether it's having a coffee or whether it's using your BlackBerry or text messaging while driving—or using GPS, as Mr. Ouellette has said.

I'm impressed with some of the good citizenry that's occurring throughout society, because AMEC, a private company with 3,000 or 4,000 employees, now prohibits its employees from using a cellphone while driving while at work. Several other companies have now taken it upon themselves to eliminate using a cellphone while driving.

This bill and the discussion around it are important. I think it serves to educate the public on the important first and primary responsibilities of driving, whether you're a novice driver or an experienced driver, and using a cellphone appropriately. If roads are icy, don't use it, but if you're stuck at the side of the road in the snow, it's a good time to use your cellphone. It's like any tool: Using it appropriately at the right time and place is important. The Ministry of Transportation could produce guidelines for appropriate use of cellphones.

Etiquette on the phone would be good. Keep your conversations short. There's no need to talk to your stockbroker while driving at 120 kilometres an hour. It's okay to call and say, "I'm going to be late for a meeting. I'm stuck in traffic." That would be an appropriate phone call.

Enforcement of this is a big issue with the police. How do they enforce it? With tinted windows, late at night, how are you going to enforce it? Then there are privacy issues in terms of enforcement. My idea would be to educate the driver by stopping, interfering and saying, "You're on the phone. You're driving erratically. I could give you a careless driving, but what I'm going to do is require you to take a driver education course, which deals with driver distraction or multi-tasking."

I think there are ways that either this bill or my bill, Bill 68—I think Mr. Flynn would probably agree, and I hope in his summary remarks he'll give me full credit. I

also give him full credit for supporting my bill by bringing this one section forward. So I will be supporting it. But the solution here is for Mr. Flynn and I to work together, along with Ms. Cansfield, the Minister of Transportation, to try and get Dalton McGuinty to do one thing that makes sense that we all agree on. He could help Mr. Flynn's career, because in the next election he may be at some risk. You never know. I might, as well, so I shouldn't say that.

But we are trying to do the right thing by working together and, in that respect, I compliment Mr. Flynn. I hope he'll do as much with respect to my Bill 68, which is far more comprehensive. In fact, it's been introduced three times.

**Mr. Leal:** Three times.

**Mr. O'Toole:** Three times. Exactly. I intend to introduce it a fourth time to keep the debate alive. This debate, including this debate this morning by all the members, is about educating the public, not just our young people. But all drivers should not put themselves or others at risk. They should work with the CAA and other responsible organizations to do the right thing. As well, the wireless association of Canada should be paying attention to this debate. I'm sure they are, because they often contact me. The media also serves a role here. It simply isn't safe to multi-task while driving.

**The Deputy Speaker:** Mr. Flynn, you have two minutes to respond.

**Mr. Flynn:** It certainly is a pleasure to hear from all the speakers today from Peterborough, Brant, London-Fanshawe, Hamilton East, Durham and Oshawa. I want to give credit to the member from Oshawa. He's fought very hard. He should—

**Mr. O'Toole:** Durham.

**Mr. Flynn:** Oh, from Durham. I'm sorry. He's fought very, very hard. The member from Oshawa had good remarks too.

The member from Durham actually owes me. I've got the member from Durham more press in the last two weeks than he's had in all the time he's been in this House.

Driving is a new skill. I think we all understand that. We'd all like to change the world with one private member's bill, but that's simply not going to happen. If you agree that cellphone use while driving for all people is unsafe, then by default you agree with this bill. What we're saying is that during the period where you're acquiring a skill—and the most encouraging support has come from young people. The member from Oshawa talked about people in Oshawa. I have heard from people from Windsor. I think if we asked the young people in the audience today, "Could you talk on the phone and learn how to drive a car at the same time?"—one guy said yes, the rest said no.

**Interjection:** He's the guy with the cellphone.

**Mr. Flynn:** That's right. He's the young one on the cellphone, Mr. Speaker.

I think we've presented the evidence, and I think we've presented it in a very serious way. It may be a first



step for some people, it may be just a baby step for some people, but it goes a long way toward ensuring that Ontario's roads, which are amongst the safest in all of North America as they are, would become even safer.

There are companies like AMEC that have banned cellphone use amongst their employees. Union Gas has travelled the same route. I think when you're learning a skill, whether it be horseback riding, snowboarding or truck driving—and certainly including driving a car—you don't need to be on the phone at the same time. It just makes sense.

The debate on cellphone use in general is perhaps for another day. Today we can do something very specific to make Ontario's roads safer. I ask for your support.

**The Deputy Speaker:** The time provided for private members' public business has expired.

We shall deal first with ballot item 51, standing in the name of Ms. Matthews.

EDUCATION AMENDMENT ACT  
(STABILITY FOR STUDENTS  
IN TRANSITION HOUSING), 2006

LOI DE 2006 MODIFIANT LA LOI  
SUR L'ÉDUCATION (STABILITÉ POUR  
LES ÉTUDIANTS VIVANT DANS  
UN LOGEMENT DE TRANSITION)

**The Deputy Speaker (Mr. Bruce Crozier):** Ms. Matthews has moved second reading of Bill 133.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

We will call in the members after dealing with the next ballot item.

We'll now deal with ballot item 52, standing in the name of Mr. Flynn.

HIGHWAY TRAFFIC AMENDMENT ACT  
(USE OF PORTABLE EQUIPMENT BY  
NOVICE DRIVERS), 2006

LOI DE 2006 MODIFIANT LE CODE DE LA  
ROUTE (UTILISATION DE MATÉRIEL  
PORTATIF PAR LES CONDUCTEURS  
DÉBUTANTS)

**The Deputy Speaker (Mr. Bruce Crozier):** Mr. Flynn has moved second reading of Bill 135.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

We will call in the members for this as well. Call in the members. This will be a five-minute bell.

*The division bells rang from 1201 to 1206.*

EDUCATION AMENDMENT ACT  
(STABILITY FOR STUDENTS  
IN TRANSITION HOUSING), 2006

LOI DE 2006 MODIFIANT LA LOI  
SUR L'ÉDUCATION (STABILITÉ POUR  
LES ÉTUDIANTS VIVANT DANS  
UN LOGEMENT DE TRANSITION)

**The Deputy Speaker (Mr. Bruce Crozier):** Ms. Matthews has moved second reading of Bill 133, An Act to amend the Education Act to provide stability for students in transition housing. All those in favour, please stand.

**Ayes**

Arnott, Ted	Hardeman, Ernie	Miller, Norm
Balkissoon, Bas	Horwath, Andrea	Milloy, John
Barrett, Toby	Hoy, Pat	Mitchell, Carol
Bradley, James J.	Klees, Frank	O'Toole, John
Brownell, Jim	Kormos, Peter	Ouellette, Jerry J.
Delaney, Bob	Leal, Jeff	Parsons, Ernie
Dhillon, Vic	Levac, Dave	Patten, Richard
DiNovo, Cheri	Marsales, Judy	Ramal, Khalil
Duguid, Brad	Matthews, Deborah	Rinaldi, Lou
Flynn, Kevin Daniel	McMeekin, Ted	Ruprecht, Tony
Fonseca, Peter	McNeely, Phil	Scott, Laurie

**The Deputy Speaker:** All those opposed, please stand.

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 33; the nays are 0.

**The Deputy Speaker:** I declare the motion carried.

Pursuant to standing order 96, this bill is—Ms. Matthews?

**Ms. Deborah Matthews (London North Centre):** On a point of order, Mr. Speaker: I request that this bill be referred to the standing committee on general government.

**The Deputy Speaker:** Shall the bill be referred to the standing committee on general government? Agreed.

The doors will now be open for 30 seconds, before we take the next vote.

HIGHWAY TRAFFIC AMENDMENT ACT  
(USE OF PORTABLE EQUIPMENT BY  
NOVICE DRIVERS), 2006

LOI DE 2006 MODIFIANT LE CODE DE LA  
ROUTE (UTILISATION DE MATÉRIEL  
PORTATIF PAR LES CONDUCTEURS  
DÉBUTANTS)

**The Deputy Speaker (Mr. Bruce Crozier):** Mr. Flynn has moved second reading of Bill 135, An Act to amend the Highway Traffic Act to prohibit the use of phones and other portable equipment by novice drivers while driving on a highway. All those members in favour, please stand.

**Ayes**

Arnott, Ted  
Balkissoon, Bas  
Barrett, Toby  
Brownell, Jim  
Delaney, Bob  
Dhillon, Vic  
Duguid, Brad  
Flynn, Kevin Daniel  
Fonseca, Peter  
Hardeman, Ernie

Hoy, Pat  
Klees, Frank  
Leal, Jeff  
Levac, Dave  
Marsales, Judy  
Matthews, Deborah  
McMeekin, Ted  
McNeely, Phil  
Miller, Norm  
Milloy, John

Mitchell, Carol  
O'Toole, John  
Parsons, Ernie  
Patten, Richard  
Ramal, Khalil  
Rinaldi, Lou  
Ruprecht, Tony  
Scott, Laurie

**The Deputy Speaker:** All those opposed, please stand.

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 28; the nays are 0.

**The Deputy Speaker:** I declare the motion carried.

**Mr. Kevin Daniel Flynn (Oakville):** On a point of order, Mr. Speaker: I'd ask that this bill be sent to the standing committee on general government.

**The Deputy Speaker:** Shall the bill be referred to the standing committee on general government? Agreed.

All matters relating to private members' public business having been dealt with, I do now leave the chair. The House will resume at 1:30 of the clock.

*The House recessed from 1211 to 1330.*

**MEMBERS' STATEMENTS****MOHAMMED JAMIL DAR**

**Mr. Frank Klees (Oak Ridges):** It is with great sadness that I rise in the House to inform all members of the recent passing of my constituent and friend Dr. Mohammed Jamil Dar. As a true pioneer of the Islamic-Canadian community, he became the president of the Islamic Foundation of Toronto, which is today the largest mosque in Canada. His tremendous organizational abilities were a testament to his unique leadership in the Muslim-Canadian community.

Dr. Dar also dedicated his professional life as a physician to serving his community in his two medical practices in Scarborough and Woodbridge.

He is survived by his wife, Dr. Shahnaz Dar, his daughters Salma, Seema and Heerah, and his son, Imran.

Yesterday, I had the privilege of joining Dr. Dar's family and the community he loved so dearly at his funeral held at the Islamic Foundation of Toronto, which he helped to establish.

On behalf of all members of the House, I wish to express my deepest sympathy and most heartfelt condolences to Dr. Mohammed Jamil Dar's family and his entire community at this very sad and difficult time.

Salaam Alekum.

**HERITAGE CONSERVATION**

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** Ontario's heritage is an essential part of our

identity; it is therefore important to recognize those who work to conserve and preserve it.

One such individual is Mrs. Margaret Kurtin, known as Peggy to her friends. Peggy will be presented with the Lieutenant Governor's award at the Heritage Canada Foundation's gala award ceremony reception on October 13, in recognition of her more than 40 years of service for heritage conservation. Her passion has been the region of Toronto known as Cabbagetown. Peggy has produced a book about the region as well as a video entitled I Love Cabbagetown. Her love of Cabbagetown has seen her and other volunteers research over 1,500 buildings. She also participated in the founding of the Toronto Historical Association.

Peggy isn't afraid to roll up her sleeves and do the hands-on work of conservation; for the last five years, she has volunteered at the 1830 tollkeeper's house at the corner of Bathurst and Davenport. From the organizational level to painting and scraping, Peggy has been a role model in the heritage community and is most deserving of this honour. She is not afraid to roll up her sleeves and work on heritage projects.

Peggy, on behalf of this Legislature, thank you for your tireless work and dedication to the preservation of heritage in Toronto and Cabbagetown.

**LIBERAL CAMPAIGN PROMISES**

**Mr. Ted Arnott (Waterloo-Wellington):** In Waterloo-Wellington, the McGuinty Liberal government is best known for its record of broken promises. It's no wonder this is their hallmark, since Dalton McGuinty campaigned on a promise not to raise taxes and then brought in the biggest tax increase in the province's history in his first budget. We in Waterloo-Wellington have not forgotten, and in response to my recent questionnaire, which was included in my annual newsletter this past spring, my constituents have spoken loud and clear.

I asked them a question on the issue of lost manufacturing jobs in Ontario. In reply, an overwhelming 81% of respondents said that the McGuinty Liberal government is not doing enough to protect factory jobs. They also expressed an astounding 90% support for the resolution that I first tabled in the Legislature some 16 months ago, when I called upon the House to immediately begin a study of the competitiveness of Ontario industry, with a view to protecting these good-paying jobs.

I asked them a question about balanced budgets; 80% said the McGuinty government should balance its budget this year. In spite of this, last spring the Treasurer made a conscious, irresponsible decision to plan for yet another deficit this year, again breaking another election promise.

I asked my constituents if they believed the provincial government is doing enough to respond to the crime problem. Again, 80% of the respondents criticized the government, saying no, they are not doing enough.

Overall, my constituents in Waterloo-Wellington have given the government a failing grade on key issues like



jobs and the economy, the province's finances, and crime, and the vast majority of my constituents are rightly skeptical of whatever statements the McGuinty Liberals make, because we know they will say anything to try and get themselves re-elected.

### SUKKOT

**Mr. Mario G. Racco (Thornhill):** On Monday night, I had the pleasure of attending an event in my riding of Thornhill to celebrate the Jewish holiday of Sukkot. For those who do not know, Sukkot is the holiday that occurs on the fifth day of Yom Kippur, usually in early October. Sukkot is a Jewish holiday that traditionally marks the end of a long harvest, the time of year when farmers finish their work.

The event took place at the Chabad Lubavitch Community Centre in Thornhill. It was a festive occasion, attended by community members not only from Thornhill but from the GTA. There was truly something for everyone at the festival. There was a band playing outdoors, singing and dancing, games for kids and, at the end of the event, an impressive display of artwork.

I would like to thank Rabbi Grossbaum and all the members from the Chabad Lubavitch community for hosting such a wonderful event and allowing me to take part in the celebration.

In addition to Sukkot, several other religious holidays are taking place at this time of the year, including Ramadan and Diwali. These holidays will be observed by thousands of people throughout Ontario, reminding us of the diversity that exists within our communities, a diversity that is to be treasured and respected.

Again, I would like to thank Rabbi Grossbaum and the members of the Chabad Lubavitch community for their hospitality and generosity.

### US COAST GUARD INITIATIVE

**Mr. Robert W. Runciman (Leeds–Grenville):** I rise to express the concerns of Ontario residents living in the Wolfe Island and Kingston areas of Lake Ontario with regard to the US Coast Guard's intentions to use an area of the lake near Wolfe Island for target practice with machine guns and other armaments. We're advised that the weapons are mounted on boats ranging in size from 25 feet to 240 feet.

This week, a spokesperson for the coast guard was quoted in the Kingston Whig-Standard indicating that this was solely a US issue, implying that Canadians who share these waters are not entitled to consultation, let alone input. The coast guard, apparently in response to rising US public concerns, has announced a series of public consultations, but none north of the border. We're excluded.

I believe that the Ontario government could, and should, play a role here by formally requesting consultation prior to this planned proceeding and by asking for the support of the federal government in their efforts.

In my view, this initiative is dumb, unnecessary and potentially dangerous, and the US failure to treat us as full partners is worrisome and could portend future unilateral actions on issues such as water-taking. We should fight for involvement, and fight vigorously.

### IMMIGRANT SERVICES

**Ms. Andrea Horwath (Hamilton East):** I recently had the privilege of participating in a round table discussion that took place in my city of Hamilton.

My colleague MP David Christopherson called together community leaders to address the needs of new Canadians and immigrant groups that call Hamilton home. The group was reflective of the mosaic of which Hamilton can currently boast. There were representatives from the Somali, Turkish, African, Afghanistani, Pakistani, Chadian, Sudanese and Bangladeshi communities; youth from McMaster representing the voices of student visa holders; the Afro-Canadian Caribbean association members; Muslim association members—many, many people.

As clear and pointed as their message was, it was equally frustrating to acknowledge that not only has not much changed in the way new Canadians fare in our city, in some ways things are even worse.

In Hamilton, we all know too well the struggle that immigrant families face and the woefully inadequate response of governments to their needs. Study after study tells us that emerging communities face greater economic challenges from poverty, unemployment and lack of opportunities. We're committed to changing that, first through dialogue and then through action.

We must listen—really listen—to what these communities are telling us. Their skills, talents and insights have not been utilized to their full advantage, nor to ours. Fifty-two per cent of recent immigrants in Hamilton live below the poverty line. It's shocking and shameful that a province as affluent as Ontario has done so little to improve things. Immigrant women continue to be isolated and continue to represent the largest numbers of the face of poverty in our city. Employers in Hamilton are often unaware of their skills.

There is much work to do. It's not just a matter of immigrant policies; it's a matter of all of our policies.

1340

### ROSE THEATRE

**Mrs. Linda Jeffrey (Brampton Centre):** I'd like to take this opportunity to brag about the newest addition to my community. Recently, Brampton officially unveiled the Rose Theatre, which is part of Brampton's vision and sets in motion its five-year strategic plan and revitalization program in our historic downtown core.

The Rose Theatre is a state-of-the-art, \$55-million facility that will provide a new venue for local performing arts in the community. The main space consists of 64,000 square feet and seats 880 people. The Rose



Theatre reflects the city's commitment to redeveloping the core of our historical downtown with outstanding architecture. The building features a tall, domed rotunda entrance with high, arching windows. The interior of the building has a warm ambience with sandstone blocks, African wood trim and expensive marble granite floors.

The Rose is designed for live and musical theatre, dance performances and concerts. It's one of the few broadcast-ready venues in the greater Toronto area. It's equipped for TV and video broadcasts, making it an excellent location for business events as well as social functions. The Rose Theatre has been deemed the most acoustically sound facility in North America, surpassing and replacing the Dallas Theater Center, Texas, as the number one theatre for sound quality.

The Rose is expected to create approximately 300 permanent jobs and attract more than 55,000 visitors annually. We estimate that the Rose will generate \$2.7 million in economic activity the first year.

The signature of a great city is a vibrant downtown. I'm very proud of this cultural centre and I would like to congratulate the city of Brampton on showing the vision and determination to create this beautiful facility.

#### JEANS FOR GENES DAY

**Mr. Lou Rinaldi (Northumberland):** I would like to take this opportunity to remind all members of this House that today is Jeans for Genes Day.

If you're not aware of what this means, let me tell you. Three out of five Canadians will experience a disease that has a genetic component in their lifetime, including diseases like muscular dystrophy, juvenile diabetes, multiple sclerosis, epilepsy, cystic fibrosis and haemophilia.

Many of these diseases touch the lives of children and many of these children suffer from rare genetic diseases that have no cure or adequate treatment.

Our Canadian scientists are considered to be some of the top genetic disease researchers in the world. This is something that we should be proud of, and I commend them for their efforts.

Jeans for Genes is a national campaign put together by a number of companies to raise funds for research into genetic diseases. The good news is that 100% of the funds raised go directly to research and development of cures.

This denim button is a reminder to those families affected by these diseases that there is hope for them.

Mr. Speaker, I would like to ask for unanimous consent for members of this House today to wear these denim buttons.

**The Speaker (Hon. Michael A. Brown):** Mr. Rinaldi has asked for unanimous consent to wear the denim buttons. Agreed? Agreed.

#### GREENFIELD ETHANOL

**Mrs. Carol Mitchell (Huron-Bruce):** This past summer, GreenField Ethanol, Canada's leading ethanol producer, made the announcement that an ethanol plant

will be coming to the town of Hensall. This was obviously not only great news for Hensall but for the riding of Huron-Bruce. This means the creation of many new jobs in the area.

Just last week, we received even more good news regarding this endeavour. GreenField Ethanol has announced that they will be partaking in a first-of-its-kind corn purchasing program that will allow Ontario's corn producers to sell their corn directly to one of GreenField's plants. In the past, the corn procurement process took place through brokers and plant operators.

This new system, entitled the Ontario buy direct program, will allow Ontario's corn producers more options in the process and will offer them such benefits as stable corn pricing to adequately assist them with their cash flow and risk management for their products. GreenField is also offering marketing contracts and they will also begin province-wide sessions where they will work with the producers to answer all the questions regarding the program.

But that's not the only good news in the riding of Huron-Bruce. The McGuinty government supplied \$12.5 million in capital assistance to make this ethanol site possible in Hensall. This is proof, evidence, that the government is committed to moving forward with renewable energy in the province of Ontario.

#### VISITORS

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** On a point of order, Mr. Speaker: I hope that all members of the House might join me in welcoming members in various galleries from the Ontario Women's Liberal Commission, including former senator Marian Maloney; Martha Hall Findlay, a candidate for the leadership of our party; Mavis Wilson, a former member of the Legislature; and many other esteemed guests.

#### STATEMENTS BY THE MINISTRY AND RESPONSES

#### TRANSPORTATION

**Hon. Donna H. Cansfield (Minister of Transportation):** I rise in the House today with an update on the McGuinty government's progress in easing traffic congestion in Ontario. We are creating a seamless and integrated transportation system, taking into account road, rail and public transit. We have made the biggest investment in public transit in the last decade—a record \$1.3 billion this year alone. We have also made a record investment in all our highways—\$1.4 billion this year alone.

We are taking a sustainable and strategic approach that balances investment in highways and in public transit. We are balancing the needs of rural communities, where roads and highways are a literal lifeline, with large urban



centres, where traffic congestion threatens our prosperity. We are balancing the needs of the thriving Ontario businesses that ship \$1.2 trillion worth of goods on our highways every year, and of the commuters who simply want to get home to their families at the end of the day. For example, the 400-series highways that pass through the greater Toronto area are some of the busiest highways in North America. Much of the \$900 million in two-way trade that crosses the Ontario-US border every day travels on these roads. Delays threaten our prosperity. It is in the interests of all Ontarians to tackle traffic congestion in the greater Toronto area.

The greater Toronto area occupies less than 1% of Ontario's landmass, but nearly half of the province's 12.5 million residents live in the region. The Greater Toronto Transportation Authority, or GTTA, is bringing a region-wide approach to transit and transportation in the region, one that meets the growing number and growing needs of our commuters. We have laid the foundation and have brought together the province, municipalities and local transit agencies to create a seamless and more convenient transportation system.

Earlier today I announced that our government has nominated Robert MacIsaac and Peter Smith as appointees to the GTTA board of directors. These appointments are subject to review by the standing committee on government agencies. Once approved, I intend to designate Mr. MacIsaac as chair of the GTTA board and Mr. Smith as vice-chair.

Mr. MacIsaac brings a wealth of experience to his new role. He has been described as a champion of sustainable planning. He played a leading role in projects that will shape Burlington and the province, including the green-belt, Burlington's downtown waterfront and a new Burlington campus for McMaster University.

Mr. Smith will be able to call on his experience as chair of GO Transit. He knows well the issues involved in running a region-wide public transit agency. Under his leadership, GO ridership has grown steadily from 2.5 million in the year it was founded to over 48 million who ride on GO Transit every year.

Yesterday, Chair Smith and I congratulated GO Transit's billionth rider. I would like again to congratulate GO Transit on this significant milestone and to congratulate everyone who chooses to take public transit.

The experience of Mr. Smith and Mr. MacIsaac makes them excellent choices to launch the Greater Toronto Transportation Authority. Mr. MacIsaac will lead a board that includes representatives from Durham, Halton, Peel and York region, the cities of Hamilton and Toronto, and the province.

The GTTA is responsible for developing its own business plan and defining its own needs, and we have allocated \$10 million to ensure that the GTTA has the adequate operational resources to develop this plan. The GTA fare card system, once implemented, will be the responsibility of the Greater Toronto Transportation Authority and will allow commuters to travel from Oshawa

to Hamilton using a single card. We are moving forward with the GTA fare card, which will be introduced on four Mississauga bus routes, two stations at the GO Transit Milton line, and Union Station for both GO Transit and the TTC by mid-2007. Implementation will begin in 2008 and be in use across the greater Toronto area and Hamilton by 2010.

I want to emphasize that these improvements are being made in conjunction with key infrastructure improvements; for example, the development of the first-ever southern Ontario highways program. The program is a five-year, \$3.4-billion plan to build 130 kilometres of highway, 64 new bridges, repair 1,600 kilometres of highway and repair 200 bridges across southern Ontario. Under the program, we are planning for future high-occupancy vehicle lanes on the Queen Elizabeth Way through Oakville and Burlington.

Other key construction projects include widening Highway 401 from four to six lanes from Windsor to Tilbury and Woodstock to Cambridge; widening the QEW from four to six lanes through St. Catharines in Niagara Falls; and widening Highway 7 from two to four lanes from Highway 417 to Carleton Place.

Convenient, sustainable and safe transportation is vital to our economic success and the quality of our life. The McGuinty government's infrastructure investments have delivered results for the people of Ontario. We have delivered better hospitals, better schools, better transit systems, better borders, better roads and better bridges across the province, all necessary for future growth and future prosperity. I know the honourable members will want to continue to support the McGuinty government's balanced and aggressive plan to ease traffic congestion with the seamless, integrated and sustainable transportation network.

**The Speaker (Hon. Michael A. Brown):** Responses?

**Mr. John O'Toole (Durham):** Yet another Liberal photo op. What would you expect but more words and very little action?

With respect to the announcement of the Greater Toronto Transportation Authority board chair and vice-chair, Rob MacIsaac and Peter Smith, this side and John Tory, the opposition government, say that we support those two individuals as competent individuals.

*Applause.*

**Mr. O'Toole:** Thank you for that recognition. It should be recognized that it was under our government that Rob MacIsaac did serve on the Greater Toronto Services Board. In fact, at the announcement this morning, which I attended—another Liberal photo op; I'm getting tired of traveling around and doing them—he said that there was a lot of good work done by the services board. So in that respect I think he's fair and fair-minded.

But what's lacking here—it's a dysfunctional organization, right from the organization. If you look at the structure of the governance, there are four members from Toronto—one each for Durham, Halton, York and Peel, and one from Hamilton, so that's five, and a chair and vice-chair who are appointed by the government. The McGuinty government has complete control of these



minions, these five people who are going to be representing—and they're going to be rubber-stamping the business.

The other part of this is that there's no governance authority here by these two individuals, whom we support. They have no money. In fact, even at the press release this morning they said it could be 2008 or 2010 before the plan will actually come together. They talk about seamless, integrated transit. This is anything but seamless because you still, at the end of the day—even as I speak, the transit authority in Durham unfortunately and regrettably is on strike. Even if it was seamless and integrated, it doesn't work. Last year, we saw the city of Toronto transit on strike.

Clearly, at the end of the debate here—I can see that the minister is struggling—they have no plan. This authority has no money, and the previous minister himself is actually laughing at this announcement. I can see that. He knows it was announced in three budgets. They had announced it prior to the election as a promise.

I think I would like to file this report here. It's by the Toronto Board of Trade, issued in February 2003. That board of trade challenged the McGuinty government. They promised anything, of course; we're all aware of that. They promised that they would do something about it. Here we are, almost through the mandate, and nothing has happened.

This is a serious challenge. In fact, our leader, John Tory, and myself set up some serious consultations with stakeholders this summer and the real people of Ontario to deal with gridlock and transportation issues. The board of trade said that this is costing the Ontario economy \$3 billion a year. What has Dalton McGuinty done about it? Absolutely nothing. He has had a couple of photo ops and announcements. I'm disappointed, and yet I remain hopeful.

I, along with the constituents of Durham region, am stuck in gridlock. We know that on Fridays now they have these gridlock transportation days on the radio and TV shows. It's about two hours each way to commute from Durham. So I have some sympathy for the commuters from Durham and from all over the GTA. This offers them no quick relief, and it is a disappointment, another photo op. It's like all the promises I've heard over the last three years: more promises, more photo ops, and no action. But I was there to support the minister; I didn't criticize. We voted for Bill 104. We want to get on with doing the job. But they have given them no power, no money and a dysfunctional governance model from a government that has no plan to solve the gridlock issues of the province of Ontario.

The minister, in her remarks just now, went on to suggest all the great things they're doing. I have here a list of some 200 promises, and I have a complete list. On opposition day last week, we enunciated 51 of those promises that have been broken, absolutely—I can't use some of the words to describe it because they're not parliamentary, but it's telling people one thing and doing another. In my family, we call it a broken promise. Don't

trust someone who keeps breaking their promises to you, and that's what I found this morning: a lot of promises.

These are two very, very impressive leaders, Rob MacIsaac as well as Peter Smith, competent people, but they have no governance authority, no mandate, and you won't see anything delivered until about 2008, 2010.

So, Minister, get on with the job of solving the gridlock problem to help the people of Ontario.

**Mr. Peter Tabuns (Toronto–Danforth):** I want to start off by wishing all the best to Mr. MacIsaac and Mr. Smith. They have great responsibility, and frankly, they have many hopes pinned to their efforts. Unfortunately, no matter how talented these gentlemen are, no matter how committed and energetic they are, they've been given an impossible task. They've been given a job without resources; they've been given a mandate without authority. The reality is that when all is done, when these gentlemen have served out their terms, the context within which they operate will have meant that their efforts will be for naught. I shouldn't say entirely for naught; maybe it will be, to some small extent, useful. But you can't deal with congestion and gridlock in the GTA by setting up an authority like this, without money, without power, and then tell it to make sense out of the irrational sprawl that this government is allowing to go on, unbridled.

Today the David Suzuki Foundation released its report on climate change plans put forward by provincial governments. They reviewed them from one end of the country to the other. They looked at Ontario. It's pretty clear. What we've been saying in this House for some time—and frankly what the minister has had to dance around—they've said pretty baldly: that there is no climate change plan coming from this government. No surprise there.

1400

But they did have some interesting comments on sprawl. I'll read:

"Last year"—in the Suzuki report—"All Over the Map discussed an Ontario plan to combat urban sprawl. The strategy has become more concrete with the release of the Golden Horseshoe's growth plan but, unfortunately, the plan only stipulates a 40% intensification target. This means that 60% of new development will be sprawl, which is in line with historic growth patterns, eating up more agricultural land and increasing the cost of and emissions from infrastructure and transportation options."

The simple reality is that allowing Los Angeles-type sprawl in the greater Toronto area gives you Los Angeles-type conditions. It gives you gridlock, it gives you congestion, it gives you massive expenditure on expressways, but it does not get people home when they want to be home. It does not deal with smog, it does not deal with air pollution. Frankly, no transit system, even if it was given the resources it needed, would be able to deal with the underlying irrational system that is being put in place by this government.

When we discussed this bill initially, the Minister of Transportation at the time talked about the costs of congestion. He talked about the increasing time people



will spend in their cars because of that congestion, and then put forward a plan, a solution, a scheme that will have no impact, no effect. Today, the current Minister of Transportation continues that tradition.

**Mr. Howard Hampton (Kenora–Rainy River):** I heard the Minister of Transportation's comments about gridlock. I want to talk about another kind of gridlock that's happening that I'm surprised she hasn't mentioned today. We found out that yesterday Highway 11 north of Nipigon was shut down for eight hours. Today, Highway 17, the Trans-Canada Highway north and west of Sault Ste. Marie, is shut down. Yet when you call the MTO hotline, what you're told is, "No road closures at this time." And when you go to the MTO website, they say, "No road closures at this time." I'm sure that people in northeastern and northwestern Ontario will be very surprised that this government says there are no roads closed.

But what's really interesting is why they're closed: because the McGuinty government that was opposed to the Harris-Eves strategy of privatizing highway maintenance has now found great favour in the privatization of highway maintenance. Today, if you're around Sault Ste. Marie and on the highway, or if you're around Nipigon or Kenora or Dryden and on the highway, you can hardly find a snowplow or a sander or a salter anywhere, because the private sector operators aren't on the job. So I just want to say a few words of sympathy to all those people who are trying to commute out of Sault Ste. Marie or Thunder Bay or trying to get from the Manitoba border to Thunder Bay: Obviously the McGuinty government doesn't consider your plight to be important at all.

#### VISITORS

**Hon. Harinder S. Takhar (Minister of Small Business and Entrepreneurship):** On a point of order, Mr. Speaker: I want to introduce members of a delegation from Fiji. They are in your gallery: The Honourable George Shiu Raj, the Minister for Women, Social Welfare and Housing; Mr. Emosi Rakai, assistant director, corporate services; and Mr. Prabhakaran Nair, the president of the local Fiji Hindu Sabha.

#### TONY GRANDE

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Mr. Speaker, I believe we have unanimous consent for all parties to speak for up to five minutes to recognize the passing of Tony Grande, former member of the Ontario Legislature.

**The Speaker (Hon. Michael A. Brown):** Agreed? Agreed.

**Mr. Howard Hampton (Kenora–Rainy River):** On behalf of the New Democrats, I want to say a few words about the contributions of Tony Grande to the Legislature, to Ontario's education system and to Ontario as a whole. I didn't have the privilege of being a member of

the Legislature when Tony Grande was the member for Oakwood, but I did have the privilege of working here sometimes as a volunteer, of working in election campaigns with him and of knowing his infectious enthusiasm, his humour and his devotion to the task. It is difficult—actually, it's impossible—to condense 12 years in the Legislature and a lifetime of passion for politics and commitment to public service into a brief five minutes.

Tony Grande was known locally as "Mr. Tony," and he combined the best in politics. He genuinely cared about and liked people. He saw the best in everyone, and I think people who served with him from all sides of the House would recognize that. And he believed in the potential of politics and the job of a compassionate government to improve the lives of people and to make things better. He was in politics for all the right reasons: to create a better world. More specifically, he got into it to fix the education system, so that all kids, regardless of their background, the language spoken at home or their special needs, would have an equal opportunity to excel while maintaining pride in their heritage.

Tony came into politics as a pioneer in heritage languages, having introduced the original heritage language program in his mid-west-end Toronto school. Tony took a major role in moving forward the public debate around how we teach languages in Ontario. His Bill 80 would have been the fulfillment of his dream to expand heritage or international language and cultural instruction in the province, and as part of the school day. It set the agenda for public hearings and received agreement in principle from all sides of this Legislature.

He played a key role in the passage of Bill 82 in 1980, the special education law, because those were the days when an individual MPP could make a real difference, hammering out language, policy changes, organizing for public hearings and amending key legislation to make it better. Heritage language, English as a second language, special education, a bill to ban corporal punishment in our schools: Tony Grande left his mark on the education system of Ontario.

He loved the Legislature. He loved being here. He loved the debate. And he genuinely enjoyed the company of members from all sides of the House. But he will always be best known as a solid constituency worker. On the streets of Oakwood, he was known simply as "Mr. Tony," and he was loved from one end of Oakwood to the other. That's because he always took the time to listen to people, whether across the desk in his little constituency office or in a tenants' meeting. Tenants in Oakwood can thank Tony for lower rents and better-maintained buildings. Residents remember Tony Grande fighting toxic air pollution. Dozens of men and women injured on the job had Tony Grande to thank for better workers' compensation pensions and better workers' compensation legislation. And the list goes on. Tony Grande made a huge difference in the lives of the people in his part of the city.

In the words of one of Tony's constituents, a woman who lived in a bungalow on Lauder Avenue in the heart



of Oakwood, "Any time I need help, Tony is there. When I became a widow, Tony fought to defer my property taxes for two years. When I had a problem with my pension, Tony solved it. There's no one like him."

Tony Grande was first elected in September 1975, and re-elected in 1977, 1981 and 1985. And even in elections where New Democrats may have lost seats, Tony Grande always increased his plurality. In 1975, when he was first elected, it was a very heady time for New Democrats. Tony and his fellow travellers in the Sezione Italiana helped turn the NDP upside down—or, rather, left side up—in the west end of Toronto. The Sezione, at St. Clair and Dufferin, was part social club and part hub for political organizing, and Tony took that political organizing to heart. And in the 1975 election under leader Stephen Lewis, the NDP swept all 10 electoral seats in Toronto's west end, including Tony Grande in Oakwood.

1410

Cheerful but quiet, charismatic in his own way, Tony inspired intense loyalty and repaid it in spades. He was always loyal to his staff, his friends and his constituents. He loved talking about politics, sitting around the dinner table at home or at a local café, gossiping about the latest news, who was saying what about whom, hearing the latest gossip that was being said about him. All these things were part and parcel of what he enjoyed every day, and he spent hours at it.

But as important as they were to him, they paled in comparison to the importance of his family: Helen, Aaron, Daniel, Laura, his parents, sister and brothers, many cousins. Politics was fun, but what made his face really light up was his family. We all know that politics can be all-consuming and often demands a choice of work, meetings, obligations over family, but for Tony it was never a choice; the family always came first. Meetings and question period duty had to end in time to pick up the kids from child care, and being home for dinner was a requirement. Even if dinner was put off until quite late at night, Tony had to be home for dinner.

On behalf of New Democrats and a New Democratic Party that Tony Grande loved and fought hard for, I want to thank his family—Helen, Aaron, Daniel and Laura—for having shared Tony with all of us and having shared Tony with the province of Ontario. His infectious laugh, his cheerfulness, his wisdom, his dedication to the job will live on, and we who knew him and worked with him will admire him forever.

**Mr. Norman W. Sterling (Lanark-Carleton):** On behalf of the Progressive Conservative caucus and our leader, John Tory, I want to acknowledge and join with the remarks of the leader of the third party in paying tribute to Tony Grande, MPP for Oakwood. I understand that he died after a long battle with cancer. My condolences and our condolences go to his family, his wife and his three children.

I was elected in 1977, two years after Tony was elected to this Legislature, so I did know Tony and his involvement in the Legislative Assembly from 1977 to 1987. I was impressed that while Tony was born in Italy and came to Canada, I understand about 20 or 22 years

before he was elected to the Legislature, I always admired him for his efforts with regard to the push for heritage language education in his area and in the province. He truly did represent a number of new Italian Canadians who came to our country during the late 1950s and early 1960s. Tony took up his citizenship, his new country, his public duty to his province and country in a very admirable way.

As the leader of the third party has pointed out, he not only focused on certain issues in this Legislature, he was able in a number of ways to alter legislation that was presented in this Legislature and acted as a leader on educational and multicultural issues. He was a very charming gentleman to talk to and to deal with. I had a great deal of respect for him, as did other members of my party at the time.

I would like, on behalf of my party, along with the leader of the third party and other members of this Legislature, to express our condolences to Helen and her family. I want to again thank you for sharing Tony with us. He did a great deal of work for this Legislative Assembly, he believed in our democratic system, and he acted as an exemplary parliamentarian. I just want to thank you for all the time you lent Tony to us and to the people of Ontario. Ontario is the better for it.

**Hon. Mike Colle (Minister of Citizenship and Immigration):** It is a great honour to stand here today on behalf of Premier Dalton McGuinty and the Liberal Party to recognize Tony Grande and his very, very exemplary contributions to Ontario, to his community and to many of us who were not born in this country and were given a welcome in this great country.

I knew Tony as a result of my being the local councillor in the same area at the city of York. I knew him also when I was at Metro council. I knew him because we represented some of the same area. In fact, we even lived on the same street: He lived at the top of Rushton and I lived at the bottom of Rushton. So over the years, even before I was here, we would frequently see each other.

Although we were in different parties, Tony had a great deal of respect and was always willing to pass on a compliment. If something that he thought was well served was being done in a manner that he thought was to the benefit of the people, he would say so. He was more than willing to be complimentary, to give advice—always very humble, always very intelligent in his advice and very deep in his understanding.

One of the things that I remember most about Tony was his incredible advocacy on behalf of injured workers. I can remember being in his office up on Eglinton and Northcliffe, where his office seemed like Minister Bradley's office, you know, with paper files that were piled feet high, with all the files of all the residents that would come to him, not only from his own riding but from all over Toronto, asking for support, for representation, as they tried to make their way through the compensation system at the time. I know a lot of the work that Tony was involved in—and a lot of MPPs at that time were deeply engrossed in workers' compen-



sation issues. It was complex, daunting work that, really, a team of lawyers sometimes couldn't do. But Tony did that day after day, seven days a week. He was willing to have people come into his office, he would go to their homes—because people would tell me, and I would see him do this myself. He was always willing to try and help people, again, with these very, very daunting issues of compensation. He certainly did an incredible amount of good work for people who, because of language, because of complexity, could not speak for themselves. But Tony was their advocate and spokesperson. It's the kind of work that goes on behind the scenes that many people watching on TV or the general public would never appreciate that an MPP does. But Tony, as I said, was really exemplary in that kind of work, in helping people that really had nowhere else to turn. I think that's one of the great memories I have of Tony's dedication above and beyond the call of duty.

Also, he was a great champion for heritage and international language before it was popular, before it was the thing to do. It wasn't easy to advocate that time be taken during the day so that children could have a little bit of appreciation of their roots and their culture in our school system. Tony was relentless in ensuring that all children felt included in the neighbourhood schools that they went to, because in many cases they didn't feel included. We've all heard the stories. Children would even be criticized for the food they brought at lunch. They would be laughed at for their sandwiches, never mind their accent or the fact that their parents couldn't come on parent-teacher night. But Tony insisted, in his work as MPP, that all the schools, our elementary schools especially, and government programs that were involved respected the fact that no matter where the students or their parents or grandparents came from, they had to be respected as citizens and full participants in our schools.

#### 1420

That's what his advocacy on behalf of international language and heritage language was all about. It was about inclusion, it was about fairness and it was about respecting people and where they came from. So he was a real pathfinder in that area of inclusion, of respect and of ensuring that our traditional roots and our heritage were not forgotten.

In many ways Tony was the model MPP. I'm a member of the Liberal Party, but if you look at what he did, he did a lot of model things and got very little credit sometimes because this was the day-to-day grunge work that Tony did. But he did them with great impact on ordinary people's lives. He really made a difference in a lot of people's lives. As the leader of the third party said, if you talk to people in that part of Toronto, they still have great honour and respect for the contributions that Tony made to their parents, their grandparents, their uncles. They still remember Tony for that wonderful, wonderful generosity that he had.

As an MPP and as an immigrant myself, having represented that same riding afterwards and representing some of the same people, I have the utmost respect and

the utmost goodness in my heart for Tony Grande, his wife, Helen, his brother Gregorio, and everyone that came before him.

**The Speaker:** I'd like to thank the members and express all of our condolences and sympathy to the family. We will see that the Hansard of the comments made today is forwarded to you.

## DEFERRED VOTES

### PLANNING AND CONSERVATION LAND STATUTE LAW AMENDMENT ACT, 2006

### LOI DE 2006 MODIFIANT DES LOIS EN CE QUI A TRAIT À L'AMÉNAGEMENT DU TERRITOIRE ET AUX TERRES PROTÉGÉES

Deferred vote on the motion for third reading of Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts / *Projet de loi 51, Loi modifiant la Loi sur l'aménagement du territoire et la Loi sur les terres protégées et apportant des modifications connexes à d'autres lois.*

**The Speaker (Hon. Michael A. Brown):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1423 to 1428.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arthurs, Wayne	Fonseca, Peter	Qaadri, Shafiq
Balkissoon, Bas	Gerretsen, John	Racco, Mario G.
Bartolucci, Rick	Jeffrey, Linda	Ramsay, David
Bountrogianni, Marie	Kular, Kuldip	Rinaldi, Lou
Bradley, James J.	Levac, Dave	Ruprecht, Tony
Brownell, Jim	Marsales, Judy	Sandals, Liz
Cansfield, Donna H.	Matthews, Deborah	Sergio, Mario
Caplan, David	McGuinty, Dalton	Smitherman, George
Colle, Mike	McMeekin, Ted	Sorbara, Gregory S.
Delaney, Bob	Milloy, John	Takhar, Harinder S.
Dhillon, Vic	Mossop, Jennifer F.	Watson, Jim
Dombrowsky, Leona	Peters, Steve	Wilkinson, John
Duguid, Brad	Phillips, Gerry	Wynne, Kathleen O.
Flynn, Kevin Daniel	Pupatello, Sandra	Zimmer, David

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Arnott, Ted	Kormos, Peter	Prue, Michael
Barrett, Toby	MacLeod, Lisa	Runciman, Robert W.
DiNovo, Cheri	Marchese, Rosario	Scott, Laurie
Dunlop, Garfield	Martel, Shelley	Sterling, Norman W.
Hardeman, Ernie	Miller, Norm	Tabuns, Peter
Horwath, Andrea	Munro, Julia	Tascona, Joseph N.
Hudak, Tim	O'Toole, John	Witmer, Elizabeth
Klees, Frank	Ouellette, Jerry J.	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 42; the nays are 23.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

### MINISTERS' ATTENDANCE

**Mr. Robert W. Runciman (Leeds–Grenville):** On a point of order, Mr. Speaker: I'm referencing standing order 36, which deals with oral questions. The current government has been, as you know, long on rhetoric dealing with government accountability. I believe all members would agree that one of the key avenues for opposition to require accountability is through question period.

Standing order 36 speaks to matters of public importance being addressed by ministers of the crown during oral question period. I believe it's incumbent for the official opposition to point out that nine cabinet ministers are missing today, and that speaks volumes with respect to the government's sincerity surrounding accountability and their respect for this assembly and our standing orders.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order.

*Interjections.*

**The Speaker:** Order. The member for Leeds–Grenville.

**Mr. Runciman:** I'm finished.

**The Speaker:** Thank you.

It is now time for oral questions.

### ORAL QUESTIONS

#### ACCESS TO HEALTH CARE.

**Mr. Frank Klees (Oak Ridges):** My question is to the Premier. In the west gallery are Mr. and Mrs. Goldstein. Not able to be here today is their daughter Lori, who, according to her specialist Dr. Blake Woodside, could die at any time.

At the age of 30, Lori weighs less than 60 pounds. She has a severe case of anorexia/bulimia. According to Dr. Woodside, the search for a hospital bed to enable her to have a live-saving operation started more than three weeks ago. Lori and her parents are still waiting.

Premier, according to her doctor, Lori Goldstein is dying. Why, given Lori's life-threatening condition, is she still waiting for a life-saving operation, notwithstanding your propaganda about empty waiting rooms and claims of reduced wait times?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I want to say to the honourable member, and particularly to the

parents who are mentioned, that we sympathize with the circumstances they're facing.

I would say to the honourable member that it's of course a challenging circumstance anytime to speak about one individual case, particularly relating to the laws in Ontario related to security of personal information. I can say that we've dramatically enhanced resourcing for the clinics that assist people who are in those circumstances. As I've personally commented before, these include members of my family, and I'm very, very aware of this extraordinary hardship.

I undertake to work with the honourable member to seek a resolution to the circumstance, and if the honourable member would like to see any data with respect to the level of acute care beds in Ontario now versus when he first came into government, I'd be very pleased to provide that as well.

**Mr. Klees:** The minister's response is shameful.

In a conversation this morning with the doctor, he made it very clear that in his medical opinion Lori could die at any time without the intervention of a simple operation. Despite his every effort, he could only tell Lori that the soonest possible time this operation could take place is October 20. He's been trying for three weeks.

Minister, I ask you in the presence of Lori's parents and family, will you stand by yet one more day, giving us rhetoric about what you have done better than the previous government, while a life hangs in the balance, or will you stand in your place now and say that you will do everything necessary to ensure that Lori will not have to wait one more day for this life-saving operation?

**Hon. Mr. Smitherman:** On the point about waiting times, I think the most crucial one is made obvious to all who are here today. The honourable member waited. I was here at 1:30 of the clock. The honourable member did not cross the aisle at that time. He did not approach me for the one hour that has occurred since then. He did not phone me in my office this morning. He did not approach me in such a fashion so as to deal with all the time available.

To the heart of the honourable member's question—

*Interjection.*

**The Speaker (Hon. Michael A. Brown):** Order, member for Erie–Lincoln.

**Hon. Mr. Smitherman:** —I will work with him. And I would only suggest to all honourable members that in a circumstance where we have a quarter of a million people working every single day on the front lines of health care, where most of the decisions are of course made, if you expect and wish for assistance, which, as I've said, we're very happy and will work very hard to provide, timeliness is—and the honourable member has made the point well—very, very crucial in these circumstances. I would encourage all members to take advantage of the opportunities, including this one of course, to raise matters like this with me personally.

**The Speaker:** Final supplementary.

**Mr. Klees:** Minister, I will take you up on your offer to meet with the Goldsteins following question period. I will take you up on your commitment.



**Hon. Mr. Smitherman:** You didn't ask me that question.

**Mr. Klees:** In that case, I will ask you the question now: Will you meet with me and the Goldsteins following question period so that you can give them the assurance that you suggested you would, by working with us?

I would simply like the minister to hear from Mr. Goldstein, when he wrote me about this matter: "At this point it is a matter of life and death ... there are no beds available in any of the hospitals to do it. It is quite ironic that the present government has decreased waiting times for treatment of hip replacements, heart bypass surgery ... but a procedure that affects so many of our young women gets pushed to the back of the line."

I will take you up, Mr. Minister, on your offer to meet with us following question period so that we can ensure that Lori gets the lifeline that she needs.

**Hon. Mr. Smitherman:** There is no question as to my willingness to meet with these individuals. But I will not take the hour that will go through between now and when that meeting is possible. I will act and take advantage of the time that is available. All I would suggest to the honourable member—he now references a letter that he received. The point of the matter is, if the member wishes to bring a matter to the floor of the Legislature, to use the word "urgency" and to speak about the dire circumstances, as he addresses them, then I do believe it's incumbent upon him to act in a more timely way in these circumstances. I repeat to all members again: There are circumstances like this—

*Interjection.*

**Hon. Mr. Smitherman:** You know, we've seen you shoot your finger to the House before, but maybe on this one you should just pipe down a little.

This fundamental disregard—

*Interjections.*

**Hon. Mr. Smitherman:** The point is, the honourable—

*Interjections.*

**The Speaker:** Order. This is a serious matter. We need to take it seriously, as we do all matters before the Legislature. We need to have respect for each other, for the House and for our traditions.

The Minister of Health.

**Hon. Mr. Smitherman:** I want to say to the honourable member, yes, I will meet. If you would be willing to pass along the information you have to my desk, we will get on top of this. And again, I encourage all members in such circumstances: The more time that is available to assist is obviously helpful.

1440

#### GOVERNMENT ADVERTISING

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** My question is for the Premier. Premier, we've just heard about a patient in a life-and-death situation who, despite all the claims of your government, can't get a hospital bed, can't get surgery on which her life depends. At the

same time, your government is spending millions of dollars on advertisements that make wildly inaccurate claims.

Your ad for your wait-times phone line claims that people can find out how to reduce their wait times by phoning the number. We know that no such information is provided.

Premier, at a time when people in life-and-death situations can't get the medical care they require so urgently without the intervention of their MPP, will you pull this misleading ad off the air?

**The Speaker (Hon. Michael A. Brown):** I need the member to withdraw that last statement.

**Mrs. Witmer:** I'll withdraw if you request it.

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** The ad that the honourable member speaks about makes three statements of fact, and these are statements of fact that have been presented to and verified by the Provincial Auditor of Ontario.

It says that as a result of the work that we're doing to produce more nurses and doctors, we've reduced wait times. There's plenty of evidence of the increase in the production of doctors; just as one example, there are 750 foreign-trained doctors now in production to Ontario communities.

We said that there are more MRI technologists. The evidence is clear in communities all across the province of Ontario that MRI machines are up and running through the night, when the honourable member's party used to close them down at 5 o'clock. That much is clear.

The reality is that the honourable member doesn't believe that people should be empowered to take advantage of a tool like the Web, where more than 1.6 million people have gained access to information previously locked away or not even known.

This is our record; we're very proud of it.

The statements in the commercial are tremendously accurate and are an example of what can be created in the province of Ontario when everybody works together. This is a credit to all of those in health care who are delivering better results for patients. Of course, there are many—

**The Speaker:** Thank you. Supplementary.

**Mrs. Witmer:** Premier, the ad claim is clear. It says, "Find out how to reduce your wait times." Well, we called, and people did not get an answer. In fact, they were told, as you heard from our leader yesterday, "Nothing can be done. There are no guarantees." What's billed in the ad as a sure thing—that is, "reduce your wait time"—turns out to be nothing more than government propaganda, and we saw that in your answers yesterday.

Again, I ask you, Premier: At a time when the ERs are in crisis, when patients can't get the care they need, when there is a shortage of doctors and nurses, will you pull this terribly inaccurate ad and use the money to help the



individuals like the individual who was here today asking for your help?

**Hon. Mr. Smitherman:** No. The ad, as I've had the privilege of saying on several occasions now, is one that is accurate, that offers to the people of the province of Ontario information about progress that has been made on their behalf and with their resources and gives them further opportunities to gain access to much more information; information, in the case of a website, that is available on a hospital-by-hospital basis, that feeds into the information that is necessary for patients to make a more informed choice.

The honourable member does not have respect for the fact that more than 1.6 million people have gained access to information that was previously unknown, that was locked away.

We believe, through our wait-times information system, that we've made tremendous progress at bringing more information. Information is powerful. It unlocks the recipe for patients to be able to gain faster access.

The results are there for all to see. Wait times have been reduced significantly in many, many areas. We have more work to do, of course, and this will include gaining more information for people about what wait times are in various areas.

**Mrs. Witmer:** Premier, the responses are unbelievable.

Your ad raises hopes, it raises expectations, and then it dashes them. It says that by calling the number in the ad, 1-888-779-7767, they can reduce their wait times. But if you ask how to reduce a wait time in an emergency room, you get no answer. If you ask how to reduce a wait time for shoulder surgery, you're told by the person on the other end of the phone, "That's not a priority." If you ask how to reduce a wait time for an MRI, you're told, "Talk to somebody else."

Premier, your ad is inaccurate. It creates false hope and expectations. Will you do the right thing and pull the ad today?

**Hon. Mr. Smitherman:** A couple of things that we know for sure: One of them is that taking \$2.5 billion out of health care ain't exactly going to help wait times too much.

The second thing we know is, the honourable member mentioned MRIs, and the evidence is there for all to see. MRI wait times are down in the province of Ontario, saving people, on average, at least 26 days of waiting, and that's a lot of assurance for people.

Let me put this in the words of an individual Ontarian. This is from an e-mail that was sent to my ministry: "I may be facing total knee replacement of one of my knees and have been extremely hesitant to go back to my doctor as, having been blessed with good health most of my life, I'm quite frightened. I've been doing research online on the surgery itself, and that, along with your website, has provided me with considerable information. I'm now ready to face the surgery because I am more informed and feel less powerless going into this. Thank you for the

website. It really is a great tool for the public to be able to access—helps us to be able to make plans."

The evidence is clear. People are flocking to these websites because they know it unlocks the recipe for shorter wait times.

## EDUCATION FUNDING

**Mr. Howard Hampton (Kenora-Rainy River):** To the Premier: The Premier tries to project a certain image when it comes to education, so surely he must know his multiplication tables, and surely he can tell us the answer to this simple question. Premier, what is 1,500 multiplied by 500?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I look very much forward to receiving the supplementary.

**Mr. Hampton:** I thought it was a very simple question. The answer is 750,000. That's \$1,500 a day, which is what the McGuinty government is going to pay your school board supervisor, times 500 days, the total number of days, we are told, that your school board supervisor will be on the job over the next two years, so a grand total of \$750,000 just so the McGuinty government can appoint a Harris-style school board supervisor to force classroom cuts on the Dufferin-Peel separate school board.

Premier, how do you justify taking \$1,500 a day for your school board supervisor when we could invest that money in effective classroom programs like reading recovery?

**Hon. Mr. McGuinty:** I have no idea where the leader of the NDP is coming up with the 500-day figure. He is nothing if not creative.

We have put in place an individual with impeccable credentials, and we're bringing a new approach to dealing with this particular challenge. It is collaborative as opposed to being combative. This individual is going to work with two trustees from the board. Together, they are going to do what is necessary to ensure that they manage the increased resources they've received in a responsible way and in a way that does not compromise the quality of the learning environment.

Again, I say to the leader of the NDP, he is nothing if not creative. I have no idea where he's coming up with the 500 days. I know that the leader of the NDP would want to join me in wishing the very best to all of those who are pursuing this and that they complete this work as soon as possible.

**Mr. Hampton:** Here's the reality: He's being sent there to cut \$16 million, and much of that money is going to come out of the classroom. Your Minister of Education says he's going to be there for two years, and that works out to about 500 working days at \$1,500 a day.

Working families want the \$750,000 to be put into the school funding formula, the school funding formula you promised you were going to fix and that you admit is flawed. The sad reality is that the supervisor you're going to pay for will also bring along assistants and more



assistants and more assistants, and then there will be travel costs, benefit costs and other expenses, and all of those will have to be paid for too.

Premier, people in the Dufferin-Peel Catholic District School Board deserve to know: How much is all of this, at the end of the day, going to take out of the classroom when you add in your supervisor and every other—

**The Speaker (Hon. Michael A. Brown):** The question has been asked. Premier?

1450

**Hon. Mr. McGuinty:** I think it's always helpful to inject a few facts into these kinds of discussions. We have provided funding to the tune of almost \$800 million to the Dufferin-Peel Catholic District School Board. We've increased per pupil funding by 18%, notwithstanding the fact that enrolment only went up 3%. We think that's a substantial investment.

Working together with the school board administrators, they have been able to reduce the deficit from \$15 million to about \$2 million. What remains by way of work is to find a way to resolve this \$2-million issue.

Unlike what the NDP did with respect to the Ottawa-Carleton school board in 1989, where they sent in a traditional supervisor, we've sent in an individual to work in a collaborative fashion with the trustees and with the board. I am confident that together we can resolve this outstanding issue in a way that does not compromise the quality of the learning environment that we want for all our children.

#### HYDRO RATES

**Mr. Howard Hampton (Kenora-Rainy River):** To the Premier: In case you missed it, the democratically elected trustees said no to collaborating with your supervisor.

Yesterday, at just about the time your Minister of Natural Resources declared that northern Ontario's forest industry crisis was over, Domtar announced that it was shutting down its Nairn Centre sawmill and eliminating another 140 jobs.

The reality is that the forest crisis is not over. The reality is that thousands of good-paying jobs have been destroyed as a result of your wrong-headed policy of driving hydro rates through the roof, and more are going to be destroyed as a result of your support for the flawed Harper softwood lumber deal.

But I have a simple question. You told mayors, municipal leaders, union leaders and industry leaders eight months ago that you thought there was some room for regional hydro rates for northern Ontario forest industry communities. That was eight months ago. Thousands more jobs have disappeared. When are you going to implement those regional hydro rates of four and a half cents a kilowatt hour, all fees and charges included?

**The Speaker (Hon. Michael A. Brown):** The question's been asked. Premier?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The leader of the NDP

raises an important issue, and he will know of course that I made no such commitment to landing on four and a half cents per kilowatt hour, all in. He will know that there's a petition campaign that's being put together. He knows that's what they ask, but he also knows that we made no such commitment.

But we did say that we were going to take a look at the particular challenges faced by northern Ontario, particularly those presented by electricity prices and particularly those being faced by the forestry sector. We understand that. That work has begun. The Minister of Natural Resources has the responsibility now to help us better understand exactly what the forestry sector needs, and he's taken on that responsibility. We look forward to completing that work.

**Mr. Hampton:** Premier, it was you who went to the Northwestern Ontario Municipal Association meeting in Thunder Bay with your then-energy minister, it was you who said that the McGuinty government was going to take a look at the issue of reducing hydro rates for the forest industry sector in northern Ontario, and for eight months union leaders, industry leaders and municipal leaders have been waiting for some action. In the meantime, literally hundreds of jobs disappear every week: 140 jobs this week at Nairn Centre; 425 jobs last week—Dryden, Red Rock and Espanola; before that, more jobs in Longlac; before that, more jobs in Thunder Bay.

Premier, how many jobs in the forest sector is the McGuinty government going to destroy before you heed the advice of those municipal leaders, union leaders and forest sector leaders?

**Hon. Mr. McGuinty:** Again, we've given a commitment to the people of northern Ontario, and the forestry sector in particular, that we're going to take a look at electricity prices and see what we can do by way of providing additional assistance.

I want to remind the leader of the NDP of something he said in June 2002, when this kind of thing was contemplated, which was looking at finding a way to provide assistance regarding electricity prices to northern Ontario. He said, "This essentially means that the one-price system we've always had, the system that says we're all equal citizens of Ontario, would be gone. It means some consumers should be prepared to get whacked over the head."

It may be that the leader of the NDP does not believe that there's some way we can provide additional assistance to the forestry sector in Ontario, but we on this side of the House believe that we can provide that support and we're looking to ensure that we provide it in the best possible way.

**Mr. Hampton:** Premier, I don't think that regional hydro rates are going to be the be-all and end-all either. But this is a specific request from the union leaders, the municipal leaders, the industry leaders across northern Ontario. They know that their mills are surrounded by hydro dams that produce electricity for one cent a kilowatt hour or two cents a kilowatt hour. But it's McGuinty government policy that now forces those mills to pay



seven cents a kilowatt hour, something they can't afford, especially when mills in British Columbia, Manitoba, Quebec, Minnesota, Wisconsin or Michigan are paying far less.

This is their specific request, Premier. You're the one who gave the speech in Thunder Bay. You're the one who said you were going to look at it. The question is: Before hundreds more jobs are destroyed, when is Dalton McGuinty going to step up to the plate and do something in terms of the regional hydro rates that they have requested? Four and a half cents a kilowatt hour, all fees—

**The Speaker:** Premier.

**Hon. Mr. McGuinty:** I don't know how the leader of the NDP does it. He's telling me to do something that he doesn't believe in. I don't know how he can do that. He made reference to Quebec. I know the leader of the NDP is cognizant of the pressures faced by the North American forestry sector. He will know that Quebec, even with its four and a half cents a kilowatt hour electricity price, lost I believe seven mills this week alone—this week alone. That's with four and a half cents a kilowatt hour electricity.

What we've done is we already have in place a \$900-million plan, including \$350 million in loan guarantees. We have \$150 million over three years to the forest sector prosperity fund to leverage new capital investments. We have \$75 million annually now that we're making available for the construction and maintenance costs of primary and secondary forest access roads.

*Interjections.*

**Hon. Mr. McGuinty:** I made the assumption that the leader of the NDP would be interested in the answer, but maybe I was mistaken in that regard, Mr. Speaker. But I say it again to the people of northern Ontario and the forestry sector in particular: We will continue to work with them.

## CASINO EMPLOYEES

**Mr. Tim Hudak (Erie—Lincoln):** I have a question to the Minister of Public Infrastructure Renewal. Yesterday, Minister, employees of Niagara's casinos learned the devastating news that 104 of them are losing their jobs. One of those affected employees is quoted in the Niagara Falls Review, saying that "grown men were 'brought to tears."

"There are people already talking about having to sell their homes and downsizing," he said."

Less than three months ago, in response to the news of 329 employees laid off at Casino Windsor, Niagara management said, "Things are going well. Fallsview Casino Resort and Casino Niagara have no plans to lay off staff"—less than three months ago. Obviously, and sadly, this has dramatically changed.

Minister, how far off are your casino revenue projections, and how many more layoffs do you expect to happen in the time ahead?

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** I want this member and the entire House to know that it is always unfortunate when staff are laid off. I want you to know that I'm concerned and our government is concerned about those affected and their families. That's why the Ministry of Training, Colleges and Universities has already been in touch with not only the casinos, but the unions as well, to advise them about the adjustment advisory program that we have in place for the affected employees. This program is a wide range of services which includes job search assistance, vocational and business counselling and training information.

The member would know, and it was very clear in the media reports as well as in the information from Fallsview, that the layoffs are resulting from the automation which is taking place within Fallsview Casino, the implementation of a ticket in, ticket out system for the slot machines and touch tables for the table games. There are no, as far as I'm aware, further layoffs that are contemplated.

**1500**

**Mr. Hudak:** Minister, I'm sure the impacted employees appreciate your concern. They're more interested, however, in getting those jobs back again. These are 104 real, hard-working families that are now forced to contemplate life without that salary. When they see the 300-plus layoffs at Windsor, the notion that these layoffs are caused by automation they're as likely to believe as another Dalton McGuinty campaign promise.

Minister, if you have an average salary of \$60,000 per year for these employees, that's about \$6 million. That happens to be the same sum that you spent dropping the "C" from the Ontario Lottery and Gaming Corp. You've endorsed that. You said that is a good idea. Will you please tell the House that that was a tragic waste of money and that that money should be better invested in attracting tourists to the area and helping these people get their jobs back.

**Hon. Mr. Caplan:** In fact, we didn't wait until this adjustment or others. We've invested in the Niagara casino: the implementation of a new sports lounge. I would note as well that in Windsor the member and his party have been very vocal criticizing an investment made in a convention centre and an entertainment complex in order to enhance and to protect the jobs and the economic investment that the people of Ontario have in Windsor and in Niagara Falls.

I want this member to understand that under the watch of the previous government, these kinds of investments were simply not made and there was no gaming strategy that we were able to discern. That has changed. We are, of course, concerned, and have offered the assistance of the adjustment advisory program. We are making the appropriate investments in order to not only retain but to expand the operations in the casinos to be able to ensure that the treasury of the province of Ontario has the funds to be able to, again, invest in health care, in education, and most particularly in my case, in infrastructure.



**The Speaker (Hon. Michael A. Brown):** New question.

**Mr. Peter Kormos (Niagara Centre):** I have a question to the Minister of Public Infrastructure Renewal. Minister, you invested, all right. You invested in technology that took away hundreds of jobs in the Fallsview Casino site: 104 people yesterday, gone, terminated, laid off, out the door; another 300 positions that are going to be eliminated. Minister, don't talk about retraining. You see, most of these people were people who had lost their jobs when factories in St. Catharines, Thorold, Welland, Port Colborne and Fort Erie shut down. They've already retrained so they can get a job at the casino. What do you say to those people? You're going to train them to do what? You've already trained them to be blackjack dealers. What's next?

**Hon. Mr. Caplan:** I note to the member that during his tenure in government a thousand jobs per week were lost in Ontario. That's a sorry legacy. That's why we're making these kinds of investments not only in Niagara Falls but in Windsor and in other places in this province: in order to promote stronger job growth. There is no doubt that automation is something that is occurring and will continue to occur as we take advantage of the kinds of opportunities for the gaming experience that we believe will draw the clientele and allow us to be able to expand operations. But as I said, we have made available to not only the casino but to the employee unions as well the assistance of the Ministry of Training, Colleges and Universities and the adjustment advisory program to help to transition those particular employees into other work opportunities.

**Mr. Kormos:** Minister, Ferranti-Packard in St. Catharines: shut down; your government did nothing. Atlas Steels in Welland: shut down; your government did nothing. E.G. Marsh in Port Colborne: shut down; your government did nothing. Fleet Manufacturing in Fort Erie: jobs gone; your government did nothing. And now your casino—because you're the sole shareholder, making huge profits, millions of dollars of profits—is turning away workers for whom that casino was the last hope. You're talking about breaking up marriages. You're talking about people losing their homes. You're talking about kids having to drop out of college and university. That's what it means when people lose their jobs in places like where I come from. What have you got to say to those people besides the feeble, feeble observation that they're going to be retrained, and, I repeat, retrained for what?

**Hon. Mr. Caplan:** I don't agree with the characterization by the member opposite nor the doom-and-gloom sentiments that he expresses, because that was the experience between 1990 and 1995 in this province, and we have turned that sorry situation around, I say to the member and I say to this House.

We are making the kinds of investments in the Fallsview and the Windsor casino in order to promote more traffic and more job opportunities. The full services of the Ministry of Training, Colleges and Universities are

available to help the affected families, whom we are very concerned about, so that they should be able to find a wide range of job-searching assistance, vocational and business counselling, and training information.

That is not only an appropriate response, but there is much more that we are doing to invest in the Niagara region and Niagara Falls, to be able to enhance the quality of life of all residents and to ensure the economic competitiveness of the region. It makes me very proud to say that I've been a part of the rebuilding of much of the infrastructure in the region.

## CANCER PREVENTION

**Mr. Wayne Arthurs (Pickering-Ajax-Uxbridge):** My question today is to the Minister of Health Promotion. Many of our families have been touched by cancer. In fact, last year alone, an estimated 60,000 Ontarians were diagnosed with the disease and 26,000 people died from it. As a matter of fact, today in this House we paid tribute from all parties to a former member who recently succumbed to cancer.

Studies have shown that over 50% of all cancer cases are preventable. Today, the Canadian Cancer Society and Cancer Care Ontario released an update on where they envision cancer prevention and treatment in 2020. This update in particular focuses on the need for more efforts on prevention and cancer screening.

Minister, I'm interested to know how the programs you have developed with the Ministry of Health Promotion directly address the concerns outlined in this report.

**Hon. Jim Watson (Minister of Health Promotion):** I want to thank the member from Pickering-Ajax-Uxbridge for his question. It's very timely. As he did point out, the report on Cancer 2020 was released today.

In the report, it indicates that 30% of cancers are related to smoking. I am very pleased that our government, under the leadership of my friend and colleague Minister Smitherman and Premier McGuinty, brought forward the Smoke-Free Ontario Act on May 31, because what the report told us is that only two thirds of municipalities in the province were covered by some form of anti-smoking bylaw. We have now witnessed, between 2003 and 2005, a reduction by almost 19% in tobacco consumption.

Let me quote the report. It says, "The Smoke-Free Ontario Act and its accompanying strategy will have a greater impact on reducing cancer rates than any policy in Ontario's history."

While the McGuinty government is standing up and supporting these anti-tobacco, anti-smoking initiatives, the Harper government just two weeks ago, sadly—and I say this with great sincerity—cut \$10 million from aboriginal smoking cessation programs, from some of the people most adversely affected by smoking. I encourage the members of the Conservative Party to stand up—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister. Supplementary.



**Mr. Arthurs:** Minister, I know we all have high hopes for the cancer-reducing potential of the Smoke-Free Ontario Act. Clearly, the efforts even of municipalities prior to that are showing trending in the right way.

But the report also notes that physical activity and a nutritious diet are two key ways to prevent the onset of various types of cancer: in particular, breast, lung, colon and prostate cancer. Some 30% to 40% of breast and lung cancers, 40% to 50% of colon cancers and 10% to 30% of prostate cancers have been related to a lack of exercise.

This being Breast Cancer Awareness Month, and following Prostate Cancer Awareness Month, I think the report has relevance. Minister, how is our government working to enhance these two powerful tools in cancer prevention: physical activity and nutrition?

**Hon. Mr. Watson:** Just a few months ago we launched the healthy eating, active living strategy. It's a \$10-million strategy designed to encourage healthy eating and active living in the province.

I was pleased to be in Timmins a few weeks ago, where we launched a pilot project for a fruit-and-vegetable school program, where almost 25 schools in the Porcupine area will receive a fresh piece of fruit or vegetable, in most cases Ontario produce, helping our farmers and encouraging young people to start early in eating healthy.

We also have our Active 2010 program, which encourages people to participate in daily physical activity, and our very popular communities in action fund, from which members' constituents have benefited to the tune of \$5 million this year alone.

I want to take an opportunity to thank Cancer Care Ontario and the Canadian Cancer Society for this very valuable report, and also to commend our Minister of Health and the Premier, who announced the doubling of the regional cancer centre in Ottawa, my hometown, including a satellite operation at the Queensway Carleton Hospital, which is going to reduce by half wait times for chemotherapy and radiation. These are the kinds of investments I'm very proud of.

1510

## MUNICIPAL RESTRUCTURING

**Mr. Ernie Hardeman (Oxford):** My question is for the Minister of Municipal Affairs. It's been almost 10 years since the last provincial-municipal services review. Since then, the costs of municipal services have increased dramatically, as I'm sure you are aware. Two months ago at AMO, the Premier announced a provincial-municipal review to be completed in 18 months, following the next provincial election, but there has been no progress in two months, not even the appointment of the committee. It looks like another McGuinty broken promise to the taxpayers of Ontario. Minister, can you tell me why you think the municipalities of Ontario should wait for assistance just so you can avoid a difficult election issue?

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing):** It's hard to know where to start on a question like this. Number one, it was your government that caused all of the downloading to take place in the first place, which literally came close to severely damaging the financial situation in some of the municipalities. When you look at what we have actually done as a government when you look at the provincial gas tax money that's flowing, and will flow again later on this month, when you look at the federal gas tax money that we've included to flow straight through to municipalities, when you look at the fact that ambulance costs are going to be based on a true 50-50 basis that's going to provide municipalities with an additional \$300 million, when you look at some of the housing programs that we've started over the last number of years, and when you look at the rent bank we've started, thereby helping municipalities, we have started undoing some of the damage that that government has done. And yes, it's going to take some time to get a good handle on everything. We're working on it—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister.

**Mr. Hardeman:** Minister, it was your government, your Premier, that announced that this review was going to take place. The question is really, why does it have to take 18 months? While we're waiting for the review, municipalities are being forced to reduce services or increase taxes. I know you told us in estimates that you have no idea what the average property tax increase is, so let me tell you: They are increasing dramatically and seniors are being forced to sell their homes because they can't afford the property taxes.

Two weeks ago, the Liberals voted against my resolution to complete the review expediently, so I guess they are admitting that they are dragging out the review for political gain. Despite Liberal opposition, the Legislature made it clear that we want that study completed expediently. Why is the Liberal government against completing the project expediently? Why do you have to set an arbitrary 18 months on it when you can do it as quickly as possible and help municipalities?

**Hon. Mr. Gerretsen:** First of all, let me just point out that I'm very pleased our Premier made that announcement at the AMO conference in August, because for the first time, a committee will be set up that will include municipal representatives, representatives from the city of Toronto, representatives from the Ministry of Finance and my own ministry, to finally try to make some sense of all the various programs that are out there, to make sure that certain programs are paid for by the municipalities, where the municipalities are the best service providers, and others are paid for by the province. It's going to take time. We've put it into place. Work is already happening on it right now. A number of tables are in the process of being set up. As we know, there are municipal elections coming up on November 13 and I'm sure the politicians in this province who will be elected after that date will become truly engaged in this process



with us so we can finally come to a conclusion and solve the problems that that government over there created over the last 10 years when they were in power.

### LONG-TERM CARE

**Ms. Shelley Martel (Nickel Belt):** My question is to the Minister of Health. In the first week of October, the emergency department at the Sudbury Regional Hospital was at a level 3 crisis every day. That's because 13 or more patients were lying on stretchers in the ER, unable to get a bed in the hospital. The beds aren't opening up because there are record numbers of alternate-level-of-care patients who are being forced to stay in the hospital because there aren't permanent long-term-care beds and other services that they need available in the community. Minister, this crisis has gone on in Sudbury for two and a half long years. When are you going to finally fix this mess?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** Efforts are underway to address the circumstance in Sudbury, which has been a complicated one, for sure. In the three years since our government's been in office, the number of long-term-care beds in the Sudbury community has grown by almost 33%. In addition to that, there's been enhanced funding for the community care access centre for the provision of home care and also, as an example, opening of a recent Alzheimer day program at Pioneer Manor. We're also in the midst of opening additional interim long-term-care beds.

I take this matter very seriously. Obviously the challenge is serious and is causing real constraint at the Sudbury hospital. We have more work to do on this file. As I indicated on a recent visit to the people in Sudbury, we will be there and will continue to add capacity to the system to address these underlying circumstances. Keeping in mind that there are many communities in Ontario that have a lower ratio of long-term-care beds than Sudbury does make our situation there a very challenging one indeed. We're working with the people of Sudbury to address this.

**Ms. Martel:** This is a crisis that isn't going away. It's been going on for two and a half years now. We know that alternate-level-of-care patients need permanent long-term-care beds, rehabilitation, mental health beds, supportive living and home care services, and these are not available in our communities. As a result, alternate-level-of-care patients are forced to stay at the hospital, and that has meant cancellation of 65 surgeries, an ER that operates at a level 3 crisis 50% of the time and patients lying on stretchers in the ER because there's no hospital bed for them to get into. This has gone on and on, and now it's happening in Hamilton, Windsor and Kingston too.

I say to the minister, when will you finally put the community services in place so that alternate-level-of-care patients can get the care they need and we can get rid of the problem in the ER?

**Hon. Mr. Smitherman:** First the honourable member talks about adding beds, and then the honourable member

talks about community response. I think this does reflect at least an understanding that it's necessary, as it relates to the alternate-level-of-care challenge, to make investments across the breadth of health care. Indeed, this is what we've done, and our record on this stands in pretty stark contrast to the honourable member's record.

The reality, of course, is very clear: The underlying circumstances in Sudbury are very challenging for sure. We have a population there that is tending to be more vulnerable in terms of needing greater access to long-term care. That's why we've already increased it by 33%.

The member will know that I've recently added 10 more beds to the interim allocation for Sudbury. Those are beds we are moving there on an expedited basis to be able to enhance support. As I said to the people in Sudbury, we will continue to grow the number of beds that are there and also to enhance the community supports that are necessary to support the people of Sudbury.

We know it's a trying circumstance, and we appreciate the patience that is required on the part of all those who are directly affected. Resources are flowing there in greater numbers and we're working with the local community to enhance the circumstances.

### BRANTFORD COLLEGIATE INSTITUTE

**Mr. Dave Levac (Brant):** My question is for the Minister of Education. First, I want the minister to be advised that my riding of Brant is filled with a very rich and long history and, as you are aware, that history comes with the ravages of time. One of the issues facing the Grand Erie District School Board is the decision as to whether to replace the original Brantford Collegiate Institute, BCI, or rehabilitate and retrofit the school to bring it into the 21st century to ensure the safety of students and staff and to provide the best learning opportunities, with state-of-the-art equipment and structure for the students attending this 1910 structure.

In the past, I know your ministry has already funded schools with the prohibitive-to-repair component of the grant for new pupil places, something that I fully support. Unfortunately, BCI did not get any of that money. I want to know if the minister can explain to me and my constituents how the school in my riding may have been overlooked for this funding that helps us with these older schools.

**Hon. Kathleen O. Wynne (Minister of Education):** Thank you to the member for the question and for his advocacy in his riding on education issues.

I have to go back a bit in time, certainly before my time, but actually before we were in office. In 2002-03, the ministry appointed inspectors to review schools and nominate them as prohibitive-to-repair, PTR, candidates. Boards became eligible for funding to replace those schools. Under that plan, 43 schools were deemed prohibitive to repair.

Although BCI was nominated by the Grand Erie board as a school to be inspected in 2002-03, the school, as it turned out, had a facilities condition index, or FCI, that



was not among the worst. In other words, it was deemed not to be one in need of urgent repair, relative to other schools, so it did not make it on to that list.

Since that time, the condition of the school may have deteriorated. Under the new program we have put in place, \$50 million will leverage \$700 million for new construction, and this is an issue that is going to address many problems around the province.

1520

**Mr. Levac:** I appreciate the clarity that has been given to us in terms of why BCI may not have received the funds, and it sounds to me like that's an equitable program across the province.

I understand that it is the responsibility of the school board trustees to make sure that the distinction is made with the ministry which schools need the most attention, particularly the ones in my riding. I understand that it's not the role of the ministry to make those decisions, but rather the board, and the ministry to facilitate that.

If BCI was not eligible on the prohibitive-to-repair schools for the first round, was BCI included among the 200 schools identified in its preliminary list? You've mentioned the 43, but there was a preliminary list. We need to know that. Does this mean that the board, after the reviews and consultations it has gone through with the community and with the stakeholders—have we missed out on any of the funding that's available that we could help BCI with?

**Hon. Ms. Wynne:** BCI was not included in the preliminary list of 200 schools that have been identified. However, boards are going to have the opportunity to identify schools that they believe should be on the prohibitive-to-repair list. That process is ongoing now, and we expect that there will be other schools that will be identified.

I think there has to be a realization that, over the past decade, there has been a severe backlog of issues that were not attended to under the previous government. So we are trying, as in so many sectors, to clean up the mess. We're trying to do it with a plan. We're putting a good plan and process in place for boards to identify these schools, and we're following that up with money. Under stage one of the Good Places to Learn initiative, Grand Erie District School Board receives \$1.4 million annually to drive \$20 million worth of high and urgent repairs. So they're in that process.

#### SMALL BUSINESS TAX RELIEF

**Mr. Ted Chudleigh (Halton):** My question is to the Minister of Small Business and Entrepreneurship. Minister, small businesses in Ontario are currently faced with an onerous and unfair burden when it comes to overhead costs. During the last election, your Premier promised members of the Canadian Federation of Independent Business that he would uphold the hard cap on property tax. As the Minister of Small Business in Ontario, do you support a hard cap on small business property tax?

**Hon. Harinder S. Takhar (Minister of Small Business and Entrepreneurship):** Let me tell you, I think

that small businesses are a very important component of our economic prosperity. So we want to support small businesses in any way, shape and form we can. The CFIB has raised that issue with me, and they're prepared to meet with me. We'll listen to what they have to say, and we'll take it from there.

**Mr. Chudleigh:** That was a promise that your Premier made in the last campaign, and future meetings may or may not solve that.

Ontario is rapidly becoming a non-competitive jurisdiction. When we look at Blue Mountain Pottery, Trent Rubber, Glenoit, Glis, Bazaar and Novelty, Harrowsmith cheese, Winpack Technologies, Curwood Packaging in Georgetown, Prescott Shirt Co., World's Finest Chocolate Factory, all of these companies have closed in Ontario because Ontario is rapidly becoming a non-competitive jurisdiction because of our overhead costs. What programs does your ministry have to help small businesses be competitive in Ontario?

**Hon. Mr. Takhar:** Let me just tell you, I think it's not a doom and gloom in the small business sector. The TD Bank released an economic report on October 11, 2006, and they found out that the small and medium-sized enterprises are well positioned for continuing growth next year. Scotiabank just released a report. Their economist released their report, and they said that 77% of all small business owners believe that the general economic conditions for the small business are pretty good. That is despite the fact that there's a looming slowdown of the economy in the US.

So our businesses are doing quite well, and I'm very proud of our businesses. They create 65% to 70% of all new jobs, and the environment is pretty good for small businesses at this point.

#### WINDSOR ECONOMY

**Mr. Michael Prue (Beaches-East York):** My question is for the Minister of Economic Development. Madam Minister, you have failed to stand up for Windsor, yet again, in its fight to keep its casino and the \$3 million that that city uses in revenues. Windsor council takes and uses at least \$200,000 of that money every year for food and clothing for poor children. They do that because your government has abysmally failed to increase welfare rates to at least the cost of living. They do that because you have reneged on your promise to end the clawback and they do that because you now refuse to be involved in the only program that actually delivers food to poor children in Windsor. If you won't stand up for Windsor and its council, what will you do to ensure that these children are actually fed?

**Hon. Sandra Pupatello (Minister of Economic Development and Trade, minister responsible for women's issues):** I very much appreciate this opportunity to once again say very loudly and clearly that this Ontario Liberal government has spent an inordinate amount of time working for the citizens of the city of Windsor, and we will continue to do that like no government before.



If you should choose to ask another question, I will start giving you the litany, not just of announcements, but actual construction. I welcome this member to come to my riding and count the number of cranes that are up and working in my city right now; the number of new lanes down highways because we have invested like never before in basic infrastructure in my city. No other Ontario government has come to shore up the work that is desperately needed in my city—none—except for this one under the leadership of Premier Dalton McGuinty.

**Mr. Prue:** I don't think I can give a better retort than did the Windsor Star in the article by Gord Henderson today, when he writes, "I wonder how our Liberal cabinet ministers, Dwight Duncan and Sandra Pupatello, can look themselves in the mirror after green-lighting this outrage perpetrated on their most defenceless constituents."

Minister, you were a former Minister of Community and Social Services. You must know there are 7,359 active cases in your city. You must know that a great many of those involve poor children in the thousands who don't have enough food and decent clothing. You failed to stand up for your most vulnerable citizens formerly as the Minister of Community and Social Services, and now you're failing to stand up for the Windsor economy as Minister of Economic Development.

Madam Minister, why can't you stand up for Windsor and its most vulnerable constituents: the children of your community, the kids who will lose their breakfast program because of your inaction?

**Hon. Ms. Pupatello:** Only the NDP would characterize that kind of action going on in my city right now as inaction. There has never been so much action between our government and the city of Windsor.

Perhaps this member opposite would like to call the mayor of the city of Windsor and ask him how he feels the provincial government has worked with the city of Windsor; about the idea that for the first time in many years the city residents have seen a property tax decrease because of our investments in that city.

Perhaps you would like to call the mayor of my city and ask what kind of support that we, the cabinet ministers and our member from Essex, have been to our city residents, for the first time in 12 years investing in children's services. The last time they had any action on funding, it was your government that cut money to those same agencies, followed by the last government once again cutting funding to those agencies. Instead, this government, for the city of Windsor alone, a \$1.2-billion investment—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

#### WORKPLACE SAFETY

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** My question is to the Minister of Labour. On one of my trips in the subway this summer, I saw the

Workplace Safety and Insurance Board poster showing a young man who had lost two fingers in a work-related accident. The message on this poster, aimed at young workers, was "It could happen to you."

This is absolutely true. I taught design and technology for many years and I know the risk that machines, chemicals and other work-related tools pose to their users if not used carefully. It is important that all workers, but especially our young and new workers, know their rights and responsibilities in the workplace. Young workers in particular may not feel comfortable addressing these issues directly with their supervisors. As a result, they needlessly risk their health and safety.

Minister, last June your ministry released an updated version of the Employment Standards Act poster. This poster is mandatory in most Ontario workplaces and highlights key components of the act. Can you tell us how this change is benefiting young workers?

1530

**Hon. Steve Peters (Minister of Labour):** I think it's important to note that that change was inspired by the CBC project Making the Grade, and I think it clearly demonstrates how our young people in our province are committed to making things better for their peers. It's an example, as well, of our commitment to young worker health and safety in this province. Yes, that inspiration for change came from the CBC program Making the Grade. Those students brought forward to us the fact that we needed to do a better job of making young people aware of what their rights are under the Employment Standards Act. As a result of their hard work in coming forward with that initiative, the Employment Standards Act poster now contains a section directing young workers to a new portal on the Ministry of Labour website. These young workers are able to find out better information about how they can protect their health and safety but, most importantly, understand their employment rights.

While the ministry had excellent resources in place, we realized that we could do a better job. We thank those students—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary.

**Mr. Brownell:** Thank you, Minister, for reminding us of the significance of students' achievement. By participating in the CBC project, these students strengthened our democracy. They have proven that our young people do care about issues and ideas and that they are interested in the political process. They have also demonstrated that young people can influence public policy and effect positive change.

Minister, Ontario's young people begin building skills they need to succeed in the workplace while working at various student jobs. It is our duty to ensure that they are safe while they are working at these jobs by providing easy-to-access information about their workplace rights and responsibilities. Knowledge is power. Knowledge empowers. What else is your ministry doing to ensure

that when our young people go off to work, especially for the first time, they come home safely?

**Hon. Mr. Peters:** I think one of the most important new initiatives that we brought forward in September of this year was a minister's action group on vulnerable workers under the age of 25. This is a group that I chair. I look forward to the recommendations that they'll bring forward, because we want to look at how we can better reduce injuries and deaths amongst young workers as they leave high school and enter into the workforce.

The Ministry of Labour has some excellent resources in place, and I would encourage every member in this House to take advantage of those resources, because young worker health and safety is not a partisan issue; it is a non-partisan issue that we should all be looking towards. I would encourage everybody to visit our website, to click on the Young Workers button.

As well, we need to recognize that in Ontario, our efforts are paying off. Ontario—and we should all be proud of this—leads the country in improving workplaces for young worker health and safety. I encourage everybody—

**The Speaker:** Thank you, Minister. New question.

#### POACHING

**Mr. Norm Miller (Parry Sound–Muskoka):** My question is for the Minister of Natural Resources. Minister, thousands of men and women are enjoying the great Ontario out of doors to participate in the sporting season.

This morning, I read in the Timmins Daily Press that the Timmins MNR office says the area “continues to be plagued by poachers this hunting season....

“Wawa, Kirkland Lake and Timmins are the worst in the northeast region for poaching.”

The MNR office is asking anyone who witnesses poaching to contact the TIPS line, which is entirely appropriate. What isn't appropriate is that because your ministry has been gutted, conservation officers—the ones who are left—can't get out of the office to take care of the enforcement. Budget allocations for fuel, repairs, cellphones and uniforms are about half what they were last year.

Minister, you promised to restore funding for fish and wildlife programs during the last election campaign. When will your government keep this promise?

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I'd like to assure the member that compliance and enforcement of our fish and game laws is a core function of the Ministry of Natural Resources and it will remain so in the future. For him to suggest that there have been any large cuts in that particular department is wrong. Our budget for our conservation officers is very similar to what it has been over the last few years. We are spending a little more time on our intelligence, and that's why we know and can report where the bad areas are in northeastern Ontario. There is a high degree of poaching in those centres that

he has cited. We are on top of that, and we have our maximum amount of officers out enforcing the hunting season this fall.

#### VISITOR

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** On a point of order, I hope that all members might join me in welcoming the Honourable Dr. Carolyn Bennett, Member of Parliament for St. Paul's, to the Legislature.

#### PETITIONS

##### WATER QUALITY

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** “Amend the Clean Water Act

“To the Legislative Assembly of Ontario:

“Whereas every Ontarian wants the best water quality possible; and

“Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

“Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

“Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

“Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

“Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place.”

It's signed by many people in rural Ontario.

##### LONG-TERM CARE

**Ms. Andrea Horwath (Hamilton East):** This petition is to the Legislative Assembly of Ontario, and it reads:

“Whereas, in June 2003, Dalton McGuinty said, ‘Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios’; and

“Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and



"Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

"Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

"Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day."

Mr. Speaker, I agree with this petition, have signed it and will send it to the table by way of Jasmine, the page.

#### GO TRANSIT TUNNEL

**Mr. Tony Ruprecht (Davenport):** I receive petitions continuously about this dilapidated bridge at Old Weston Road.

**Hon. Mike Colle (Minister of Citizenship and Immigration):** Oh, not again.

**Mr. Ruprecht:** That's right. I would expect that I would get some more support from my own members in the back here. The petition reads as follows:

"Whereas GO Transit is presently planning to tunnel an area just south of St. Clair Avenue West and west of Old Weston Road, making it easier for GO trains to pass a major rail crossing;

"Whereas TTC is presently planning a TTC right-of-way along all of St. Clair Avenue West, including the bottleneck caused by the dilapidated St. Clair Avenue-Old Weston Road bridge;

"Whereas this bridge ... will be: (1) too narrow for the planned TTC right-of-way, since it will leave only one lane for traffic; (2) it is not safe for pedestrians (it's about 50 metres long). It's dark and slopes on both east and west sides, creating high banks for 300 metres; and (3) it creates a divide, a no man's land, between Old Weston Road and Keele Street. (This was acceptable when the area consisted entirely of slaughterhouses, but now the area has 900 new homes);

"Therefore we, the undersigned, demand that GO Transit extend the tunnel beyond St. Clair Avenue West so that trains will pass under St. Clair Avenue West, thus eliminating this eyesore of a bridge with its high banks and blank walls. Instead it will create a dynamic, revitalized community enhanced by a beautiful continuous cityscape with easy traffic flow."

I agree with this petition and I'm delighted to sign it.

#### PROPERTY RIGHTS

**Ms. Laurie Scott (Haliburton-Victoria-Brock):** "Protection of property rights

"To the Legislative Assembly of Ontario:

"Whereas the Canadian Charter of Rights and Freedoms is silent on property rights; and

"Whereas the Alberta Bill of Rights specifically protects the right to the enjoyment of property; and

"Whereas the Quebec Charter of Human Rights and Freedoms provides that 'Every person has a right to the peaceful enjoyment and free disposition of his property, except to the extent provided by law'; and

"Whereas ownership rights should not be abridged or usurped without due process of law; and

"Whereas owners of all lands affected by expropriation should have the right to be included as parties to a required inquiry to consider the merits of the objectives of the expropriating authority; and

"Whereas the decision of an expropriating authority should be subject to judicial review; and

"Whereas, subject to specific limitations of law, the right to peaceful enjoyment of one's land must be recognized by Ontario law;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To pass Bill 57, the Land Rights and Responsibilities Act, 2006."

It's signed by many people from my riding.

1540

#### CHILD PROTECTION

**Ms. Andrea Horwath (Hamilton East):** I have a petition asking for the granting of Ombudsman oversight of children's aid societies. It's to the Legislative Assembly of Ontario, and it says:

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Whereas Ontario is one of the few provinces that does not have independent oversight of child welfare administration; and

"Whereas eight provinces now have independent oversight of child welfare issues, including child protection; and

"Whereas all provincial Ombudsmen first identified child protection as a priority issue"—I'm sorry, it's not quite right, but it basically says that all provincial Ombudsmen have identified this as an issue, and it was first identified as a child protection priority issue in 1986—"and still Ontario does not allow the Ombudsman to investigate people's complaints about children's aid societies' ... decisions; and

"Whereas people wronged by CAS decisions concerning placement, access, custody or care are not allowed to appeal those decisions to the Ontario Ombudsman's office;

"Therefore, be it resolved that we support the Ombudsman having the power to probe decisions and investigate complaints concerning the province's children's aid societies (CAS)."

I agree with the petition, I've got my name on it and send it by Shaké to the table.

## IMMIGRANTS' SKILLS

**Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale):** This petition is to the Ontario Legislative Assembly.

"Access to Trades and Professions in Ontario

"To the Legislative Assembly of Ontario:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

I agree with the petitioners, so I put my signature on this petition as well.

## LONG-TERM CARE

**Mr. Ted Chudleigh (Halton):** "We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I'm pleased to give this to page Patrick, who comes from Elora.

## FAIR ACCESS TO PROFESSIONS

**Mr. Tony Ruprecht (Davenport):** This petition is in support of skilled immigrants. It's in regard to Bill 124. It's addressed to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

I'm delighted to sign this petition because I agree with it 100%.

## PROPERTY TAXATION

**Mr. Tim Hudak (Erie-Lincoln):** Petitions keep coming in to protect homeowners from skyrocketing property assessments. These, from Keswick and Pefferlaw, Ontario, read as follows:

"To the Legislative Assembly of Ontario:

"Whereas working families, seniors and young people are facing higher taxes, higher home heating costs, higher hydro rates and higher user fees in Dalton McGuinty's Ontario; and

"Whereas skyrocketing property assessments and the resultant property tax increases are simply unaffordable and are forcing some homeowners, particularly seniors on fixed incomes, to sell their home; and

"Whereas Bill 75, the Homestead Act, 2006, would preserve the Canadian value of home ownership by:

"—Capping assessment increases at 5% per year,

"—Allowing homeowners to make up to \$25,000 per year in home improvements without triggering an assessment increase, and

"—Providing a property tax break for seniors and the disabled by ensuring that the first \$10,000 of their home's value would not be taxed;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

The McGuinty Liberal government should adopt the assessment reforms in Bill 75, the Homestead Act."

Of course, I affix my signature in support.

## IDENTITY THEFT

**Mr. Tony Ruprecht (Davenport):** As the previous member said, petitions are coming in, and we, of course, are delighted to read them. This one is addressed to the



Parliament of Ontario, and especially the Minister of Government Services:

"Whereas identity theft is the fastest-growing crime in North America;

"Whereas confidential and private information is being stolen on a regular basis, affecting literally thousands of people;

"Whereas the cost of this crime exceeds billions of dollars" a year;

"Whereas countless hours are wasted to restore one's good credit rating;

"Therefore we, the undersigned, demand that Bill 38, which passed unanimously" in November 2005, "be brought before committee and that the following issues be included for consideration and debate:

"(1) All consumer reports should be provided in a truncated (masked-out) form, protecting our vital private information, such as SIN and loan account numbers.

"(2) Should a consumer reporting agency discover that there has been an unlawful disclosure of consumer information, the agency should immediately inform the affected consumer.

"(3) The consumer reporting agency shall only report credit-inquiry records resulting from actual applications for credit or increase of credit, except in a report given to the consumer.

"(4) The consumer reporting agency shall investigate disputed information within 30 days and correct, supplement or automatically delete any information found unconfirmed, incomplete or inaccurate."

I'm delighted to sign this petition because I'm in real agreement with this.

### TAXATION

**Mr. Tim Hudak (Erie-Lincoln):** Another petition has now come in. This one says, "Help Tim Fight the McGuinty Tax Hikes." It's signed by people across Fort Erie. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the McGuinty government's 2004 budget could increase taxes on working families by an average of \$1,200; and

"Whereas Dalton McGuinty promised he would not 'raise taxes by one penny' on working families in Ontario;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"The Dalton McGuinty Liberals should cancel any plans to increase taxes, and if they still plan on raising taxes, hold a referendum according to the law that Premier McGuinty himself voted for."

And in support, my signature.

1550

### BUSINESS OF THE HOUSE

**Hon. Gerry Phillips (Minister of Government Services):** Pursuant to standing order 55, I rise to give the Legislature the business of the House for next week.

On Monday, October 16, 2006, in the afternoon, second reading of Bill 103, Independent Police Review Act, and in the evening, third reading of Bill 14, Access to Justice Act.

On Tuesday, October 17, 2006, in the afternoon, second reading of Bill 140, Long-Term Care Homes Act, and in the evening, third reading of Bill 43, Clean Water Act.

On Wednesday, October 18, 2006, in the afternoon, second reading of Bill 103, Independent Police Review Act, and in the evening, third reading of Bill 14, Access to Justice Act.

On Thursday, October 19, 2006, in the afternoon, second reading of Bill 50, Traditional Chinese Medicine Act, and second reading of Bill 124, Fair Access to Regulated Professions Act.

### ORDERS OF THE DAY

#### MUNICIPAL STATUTE LAW AMENDMENT ACT, 2006

#### LOI DE 2006 MODIFIANT DES LOIS CONCERNANT LES MUNICIPALITÉS

Resuming the debate adjourned on September 26, 2006, on the motion for second reading of Bill 130, An Act to amend various Acts in relation to municipalities / Projet de loi 130, Loi modifiant diverses lois en ce qui concerne les municipalités.

**The Acting Speaker (Mr. Joseph N. Tascona):** Debate? The Chair recognizes the member from Ancaster-Dundas-Flamborough-Aldershot.

**Mr. Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** I'm really pleased to have the opportunity to speak to Bill 130. Like so many other members of this assembly, I arrived here vis-à-vis the municipal public service, having served a number of years on Hamilton city council and then having the privilege of being the longest-serving mayor in the town of Flamborough, for two terms. Some members may recall that my arrival here was quite unusual. Unlike most members, I arrived vis-à-vis a by-election, and the by-election was caused because one of the government members resigned over what I think would be fair to say was at least a misunderstood if not broken promise related to amalgamation.

When I came, in September 2000, it would be fair to say that the people in my great riding of Ancaster-Dundas-Flamborough-Aldershot were quite disappointed in what was going on. In fact, they were darn angry, if the truth be known. We had amalgamation and downloading and market value assessment changes all inflicted on our municipality at the same time. In fact, I can remember, as mayor of the town of Flamborough, arguing with some other mayors and other councillors, begging the Minister of Municipal Affairs of the day not to



do amalgamation, downloading and market value assessment all at the same time and making the point that the reason you wouldn't want to do that all at the same time was that people wouldn't understand who to blame when all heck broke loose. And the bureaucrats just smiled. That should have been good enough for any reasonably intelligent person to understand that that was exactly what they wanted to hear.

Those were the days—I didn't discover this until I arrived here—when there were actually—

**Mr. Tim Hudak (Erie-Lincoln):** On a point of order, Mr. Speaker: I apologize for interrupting my colleague from Ancaster-Dundas-Flamborough-Aldershot, but I bring a point of order regarding standing order 97. As you know, Mr. Speaker, 97(d) requires the government to respond to written questions within 24 sitting days. We have the following questions currently outstanding: number 189, in the name of the member for Haliburton-Victoria-Brock; 190, in the name of the member for Haliburton-Victoria-Brock; 191, in the name of the member for Haliburton-Victoria-Brock; 194, in the name of the member for Durham; 195, in the name of the member for Haliburton-Victoria-Brock; 196, in the name of the member for Haliburton-Victoria-Brock; and 198, in the name of the member for Haliburton-Victoria-Brock.

As part of my point of order, I want to point out that this is the second day in a row that we've had to raise overdue responses to questions 189, 190, 191 and 194, again with regret and apologies for interrupting my colleague, whom I know is not at fault in the circumstance; the ministers are at fault. But given the grave importance of this issue and the lack of response to this many questions, Mr. Speaker, I'd ask for your intercession to get prompt answers on those outstanding order paper questions.

**The Acting Speaker:** House leader, I want to remind you that you are required, under standing order 97(d), to provide answers to written questions within 24 sitting days. The responses are now overdue, and I would ask that you give the House some indication as to when the answers will be forthcoming.

**Hon. Gerry Phillips (Minister of Government Services):** I will undertake to treat it seriously, as you've indicated, and ensure that we get the answers as quickly as possible. I will determine which ones are not answered and begin the process this afternoon to get those answers for the House.

**The Acting Speaker:** I'd just like to remind the member from Erie-Lincoln that the appropriate time to raise this as a point of order is not in the middle of a debate but at a time when we have a break in the proceedings.

I've stopped the clock. The member may continue.

**Mr. McMeekin:** I appreciate that, Mr. Speaker. I wasn't surprised at the intervention. The people in Ancaster-Dundas-Flamborough-Aldershot are still waiting for some answers too, to some of the commitments they thought had been made.

Notwithstanding that, I was going to footnote that I didn't discover until I got here that there were in fact weekly reports recording in columns—it was very neatly done—how many fewer municipal politicians there were this week over last week. I understand that promotions within the Ministry of Municipal Affairs and Housing were predicated on how well you did in terms of reducing excess democracy out there that used to go under the guise of independent communities.

I can tell you, quite frankly, as the longest-serving mayor of the town of Flamborough, that we were the only municipality in all of Ontario, when I checked, to actually reduce taxes six years in a row. The threefold promise of better government, more accountable government and lower costs—we still have some questions pending about that as well, as I'm sure certain members opposite might have about municipalities that they have the privilege of representing.

But all of that said, there comes a time when we simply have to acknowledge that we need to deal with the cards we've been dealt and not the cards we wish we had been dealt, and that we need to move forward. In fact, the best political advice I ever received was from the late, great Sterling Hunt, who said to me when I was first running for mayor, "Ted, if you want to get elected, tell them what's broke and how you're going to fix it." I've always remembered that. That was always good advice.

Now, I can assure the House that the better part of the last 12 years of my life have, in fact, been invested in identifying—and it wasn't hard to do because there were so many things broken—the things that were broken and trying to find some creative, entrepreneurial ways to fix those things. That's why, over the last three years in government, we've taken a number of important initiatives.

We've attempted to curb urban sprawl by finally defining sacred green space, so that we can protect in a formal way our environmental heritage.

We tried to end surprises with our municipal partners and return some stability and civility through the memorandum of understanding agreement.

We've tried to tackle public health, not only by up-loading certain public health provisions, but by bringing in the Clean Water Act.

We've moved to eliminate planning process abuses by, in fact, bringing in Planning Act amendments that we just passed earlier today.

1600

We've talked about OMB reform—we were debating that last night, and that will continue—where there will be more mediations and fewer references to the OMB. We've even taken the step of freezing assessments. You may recall, in the previous government, there were eight different attempts to get it right, and it never was right. The Ombudsman brought in 22 recommendations, which our government is committed to implementing. We're taking the time to do that.

We've got a full environmental assessment of the mid-peninsula corridor project rather than the illegal, rushed, focused assessment that was there.



We've come to the table with some \$55 million in social services relief to help with the \$3.2-billion debilitating impact of the so-called revenue-neutral down-loading.

We're into Who Does What 2. We remember that Who Does What 1 was done perhaps in a hurry. The previous government got the best advice they could before they completely ignored it. That has cost us a lot of heartache in municipalities.

I want to focus specifically on Bill 130, the Municipal Act changes, because I think what it does is it goes a long way to restoring to our municipal partners the respect they deserve and to providing the tools they need to get the job done. These tools include the authority to appoint an ombudsman and an integrity commissioner. My colleague from Hamilton East knows there has been some concern about election finance issues, the need for election finance reform, which could be facilitated, assuming this bill is passed.

I want to focus very specifically on something I've been pushing for that needs to be shared, something that might get lost in the debate, and that's with respect to section 23, namely the delegation of powers option. In the presence of a checkered past and perhaps a lack of a clear consensus as to how to proceed, there seems to be a fairly clear consensus that people in communities, particularly former chartered, historic, independent communities, want some assurance that they can have some planning controls, that they can review planning applications, have more say with respect to community issues, some influence around service levels, particularly with the capacity we now have around area rating. I've been pushing very hard to rewrite the rule book in this regard and get us into a situation where municipalities can, based on the best input they get from communities, delegate specific powers to mandated community councils.

We have a series—and I've helped create a couple of these in my own constituency—of advisory community councils. They work pretty well but they're just that: They're advisory. This act, if passed in its current form, will allow municipalities to mandate specific powers. Aside from taxing authority and changing an official plan, they could virtually delegate anything back to the communities. We could restore the community that in many significant respects has been lost, and I'm optimistic and very confident that that's going to happen. We have a mayor, Larry Di Ianni, who has been participating quite willingly in supporting the community council concept. Councillor Art Samson, who isn't running again, who created a community council in Dundas, has been proposed by the mayor, should he be re-elected, to head a blue ribbon task force to look at the powers and how community councils could work.

There has been some incredible interest in this concept all across the municipality, and as I say, I'm confident, for the first time in a long time, that we can grasp a way to restore some of that very much missed sense of formal community. With that, I want to urge all members of this assembly to support Bill 130.

**The Acting Speaker:** Time for questions and comments. The Chair recognizes the member from Haliburton–Victoria–Brock.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I'm pleased to comment on my colleague from Ancaster–Dundas–Flamborough–Aldershot and his wise years of municipal experience that he's bringing to the House. He made some comments, and one was on the Clean Water Act, which we've been having quite a healthy debate about in the Legislature. That is a tremendous download to municipalities, and I think that when we were out on the Clean Water Act you heard from the municipalities their concerns that some of them won't be able to be financially viable with the Clean Water Act going through. So I appreciate that he would take that into consideration, that under the McGuinty government there continues to be more downloading to municipalities.

I know it was brought up earlier today in question period by our municipal affairs critic, the member from Oxford. He had brought forward a motion last week during private members' time to ask why the Premier announced at AMO that it's going to be an 18-month-long study to assess the imbalance with municipalities and the province. I agree totally. It has been looked at for many years. There are always changes that need to be made. I think we're all relatively, I hope, forward-thinking people in the Legislature. Changes do need to be made along the way. It has been ongoing.

So 18 months to study it is a very long time, and municipalities want faster action. That's why the member from Oxford brought forward his private member's bill earlier this month: to say to the government, "Let's do it now. We've got the right people in place. We've got the data in. What we don't want are more studies, more studies, more inaction by the present Liberal government."

We have some concerns with this bill that I know our critic has brought forward and that we will probably highlight later on.

**Ms. Andrea Horwath (Hamilton East):** It's my pleasure to make a few comments on the speech from my friend and former colleague from regional council back in the good old days of regional council. I'm sure the member from Ancaster–Dundas–Flamborough–Aldershot would agree, his constituents would agree, that it was the gold old days of the regional municipality at the time.

I have to say, although I understand his perspective and what he brings to the table in terms of representing the issues that this bill may speak to in regard to his particular constituents, I'm looking forward to having the opportunity to put a few things on the record from my own perspective, having worked at both the regional municipality level and then, after amalgamation, at the city of Hamilton, at the amalgamated city, because, although this bill is a package of bills that the government had put forward to deal with a number of outstanding municipal issues and concerns, there are a number of things that have come out as a result of some of these pieces that do not sit well with me personally



and that I think the people of Hamilton will have some concerns about.

So I think it's appropriate for, of course, the government side to bring the things that they're supportive of. However, I do believe that there are some really important issues that need to be put on the table, things that are problematic, if you want to put it that way, with what the government is purporting to achieve in this bill, even so far as to say that the idea of giving municipalities a greater amount of autonomy can be looked at a bit askance when you think particularly about certain powers or certain projects that municipalities are not going to be able to have any say over, which is what's included in this bill. So I look forward to making those remarks a little later on.

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I appreciate the opportunity to make a few remarks on the comments made by my colleague from Ancaster–Dundas–Flamborough–Aldershot, which is at the other end of the GTA, I guess, from where I come from, out in Scarborough.

I just wanted to say that Mr. McMeekin, the member, is a real champion of local democracy and spoke well today on the key points regarding this bill. I think the delegation of powers to local community councils and the decentralization of a lot of these powers is something that local municipalities want to see. It's something that is important for proper functioning of local municipalities. I know, as a former councillor myself, the frustration that we often felt in the ways our powers were limited.

1610

But this act today doesn't say, with a broad stroke, that municipalities are given all these brand new powers. It does provide safe checks and balances to make sure that procedural rules are followed. It gives broad powers to municipalities so that they can enact proper bylaws and they can overlook the governance structure of their municipality. There's also accountability and, of course, transparency. That's extremely important, especially when you get to the closed-door meetings. Financial management of municipalities and local boards are looked over more by the local municipalities, as well as business licensing.

All these areas are important, and I know that the member from Ancaster–Dundas–Flamborough–Aldershot, having had his previous experiences, can appreciate this bill, as I do today. I congratulate him for championing it and speaking to it so well today.

**Mr. Ted Chudleigh (Halton):** This is an interesting piece of legislation. My immediate neighbour to the west of me thinks it's a great piece of legislation. I think it needs a little bit of work. With a little bit of time in committee, with a lot of knowledgeable people coming in and making presentations to the committee, if the government of the day is listening to those presentations, I think they can make this a pretty good piece of legislation. But as it stands now, I have a lot of concern about it, and I'll express a few of them in a few minutes.

Certainly, I don't think letting a piece of legislation go through like this is going to do the people of Ontario or, in the long term, the municipalities of Ontario any great favours. I don't think this hands-off approach is going to enhance the quality of municipal politics. I have a great respect for people who run in municipal elections, in municipal politics, because they are right there. They live in their communities; they are right there every day. They've lived there; they've worked there. They are seen on the streets, in the towns and the villages or the boroughs that they represent. I have a great deal of respect for those politicians who have to be up on every issue, every day, for their constituents—not that we at the provincial level aren't, but I think they have a much more immediate response time. So I have a great deal of respect for municipal politicians. But I don't think this piece of legislation is going to enhance their lot over the long term. I think it could, and I look forward to this bill going to committee, where the people coming in to make presentations and the questions and answers in committee can make this a viable piece of legislation.

**The Acting Speaker:** Time for oral reply.

**Mr. McMeekin:** I want to thank the members from Halton, Haliburton–Victoria–Brock, my good colleague from Hamilton East—on any day, I look forward to working with her as we try to build stronger, healthier, more caring and compassionate communities—and of course my good colleague from Scarborough Southwest as well.

Yes, the bill probably does need a little bit of work. We would concede that. That's why we have committee hearings, and we look forward to that very much. I just want to emphasize, in the minute or so that I have, that what this bill primarily does is it restores respect to our historic municipal partners and it does provide—and we can have some debate about what those powers ought to be—some of the tools that they need in order to be all they can be and need to be and should be.

I should just note that the concern about Walkerton and the water issue is a legitimate one. We need to find some ways to assist municipalities that may have difficulty. That's always been the approach of this government.

Two quick things I would mention: first, that this bill also provides for the creation of service boards. I'm quite convinced that, had the provision for a service board been there when we had the amalgamation discussion back in 1999, that amalgamation never would have taken place. But alas, that's history. The other thing I want to say is just how pleased I am that the minister, when he was asked if these community councils could consist of people elected in their own local communities, came out and indicated that that was quite possible, should the municipal council deem that to be appropriate.

Art Samson is a great choice to head up the task force. He's respected by everybody, and there's a relationship of trust and motive and about 30 years of experience there. So I look forward to his work in the community with various community groups and coming back in with



a recommendation about how this could best work to build the stronger, healthier, more sustainable communities we all want.

**The Acting Speaker:** It's time for further debate.

**Mr. Chudleigh:** This bill has a number of clauses to it, one of which is the municipal review act. This is an interesting one because basically the Liberal government here is going to study the funding problem that the municipalities have for 18 months, which will put the time for their response to that study well past the next provincial election. So they won't have to deal with what might very well be a very unpopular result of that study before the next election. I would guess, just being a bit cynical about it, that if they thought the result was going to be a good one, the study would come in prior to the next provincial election. But it being a difficult decision, one that may raise taxes either municipally or provincially, they're going to put that off until after the next election. The taxpayers in this province, whether they're municipal, provincial or federal, for that matter, understand very well that there's only one taxpayer in Ontario, and that taxpayer funds all levels of government.

There's a section in this act that deals with the city of Toronto—schedule B, I guess it is—and that amends the City of Toronto Act. It's rather passing strange that they would amend this act, since this particular bill was introduced only three days after the City of Toronto Act was passed. So obviously this clause that's in here, the offensive clause that corrects the City of Toronto Act, is an error that needs correcting prior to this bill being passed.

It's also interesting that this bill, which reflects a lot of the schedules that were introduced in the City of Toronto Act, doesn't give the same taxing powers to other cities in Ontario that the City of Toronto Act gave to the city of Toronto. The city of Toronto can have additional tax revenue from entertainment, tobacco and alcohol. However, other cities in Ontario—such as Ottawa, Hamilton, London, Windsor, Sudbury, Thunder Bay, Chatham, indeed Milton, Georgetown, Oakville, Burlington and Mississauga—don't get the same benefits out of this act that Toronto got out of the City of Toronto Act. They don't get the additional revenue. They get the additional expenses, they get the additional costs, but they don't get the additional revenues that this government gave to the city of Toronto. This would lead one to ask the question, why is it that some municipalities should have these powers and some shouldn't? If the Liberals believe that the extra taxing powers are right for Toronto, why aren't they right for these other cities in Ontario? Why is this policy not consistent across the board when dealing with municipalities?

The other schedule in this act deals with an ombudsman. It's very strange that they would actually institute a system whereby an ombudsman could be replaced by a municipal appointee. The idea of an ombudsman, the tenets of an ombudsman, is that a totally independent person would come to look at a problem and bring his independence to the situation so that a just and sincere

solution to the problem can be found or can be talked about. The Ombudsman for Ontario, André Marin, is very concerned about this particular schedule.

1620

In the municipalities of Ontario, as I said earlier, there is a great respect for municipal politicians. However, we all know that there are good councils in Ontario, there are excellent municipal governments in Ontario, and there are a few that perhaps struggle a little from time to time with certain decisions. Well, I ask you, which one of these two types of councils is most likely to appoint their own ombudsman? Would it be the council that is doing excellent work and performing in a legitimate and excellent way and would have, if they're doing that kind of a job, very few concerns and very few problems, or would it be a council that was struggling? I would suggest that the council that is struggling may not bring itself to appoint an ombudsman who would then turn around and investigate it when it was doing something that perhaps was untoward or not in the best interests or wishes of the taxpayers it represents. This places this government, I think, in a difficult position, because one of the tenets of an ombudsman is that independence, and that independence looks to me to be overlooked in this particular schedule.

There is also a schedule in this bill that talks about closed meetings, and the closed meetings of council. If there's one issue that comes up time and time again in local municipalities, it's when local municipal councils go into in camera or closed sessions. The wording in this bill is very interesting. It allows councils to close meetings to the public; that is, they can go in camera "if at the meeting no member of the city council ... discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council."

Well, if those are the criteria that you're setting for going into in camera sessions, what is the purpose of going into an in camera session? Is it to discuss last night's television show, last night's baseball game or hockey game, or other things that may or may not—well, they certainly cannot—advance the business that is under discussion at their council meeting? There is nothing about this that serves the needs of the taxpayers of the municipality that I can discern.

Another schedule in this bill delegates authority. It gives the council the ability to delegate authority, and that delegation of authority is, in my view, far too sweeping and far too wide. We elect municipal councillors, in fact, all politicians within our system, so that they can be responsible for administration, for the raising of tax dollars and for the expenditure of those tax dollars. If we delegate that authority to a third party, it gives a politician an opportunity to say, "That wasn't my decision. That was a decision of someone outside our responsibility." That takes responsibility away from a politician, and I think any piece of legislation that does that is headed in the wrong direction.

Another schedule in this bill talks about business licences. Again, I have the same concern with this sched-



ule as I did with the former one, that it's far too broad and far too wide. It allows municipalities to develop business licences for everything under the sun. For instance, if you're having a bake sale at the local church, you may need a business licence to conduct that bake sale. That's far too broad a power, I think. At the very best, it's a tax grab and, at the very worst, it's an additional level of bureaucracy which I think will come to haunt municipalities in Ontario.

I don't think this bill does as much for municipalities as we would like to think. Perhaps a good time in committee with lots of representations from people around the province will do a world of good in putting through some amendments that will make this a truly much better piece of legislation.

**The Acting Speaker:** Time for questions and comments.

Seeing none, further debate?

**Ms. Horwath:** It's my pleasure to have a few minutes to speak to this bill this afternoon. I wanted to first comment that this bill—I mentioned it in my earlier remarks—is a bit of a package. It's a bit of a piece of a package of bills and initiatives that the government has brought forward over the last little while to deal with what they consider to be moving in the direction of positive municipal reform. I say they consider that to be the case, because I need to put on the record this afternoon some serious concerns that I have as a representative of my community and that my critic has raised as well when he was bringing these issues forward in his opportunity for his leadoff speech.

What I first wanted to indicate is that although people, I think, would agree around these chambers that there is some considerable work that needs to be done at the municipal level, there's some real change that needs to happen. The bunch of bills that has come forward has been a bit of a lunch bag letdown from my perspective, and I'm going to tell you why—just a bit of a rolling out of what's happened from a perspective of the process.

The first one that we had a chance to really review and look at was the City of Toronto Act. Of course, the City of Toronto Act is something that, having not been a representative of the city of Toronto, having been on city of Hamilton council for many moons but not on the city of Toronto council, I turned to my city of Toronto New Democrat colleagues who represent ridings in the city of Toronto, some of whom had been councillors on city of Toronto council over the years. I looked to their leadership. I looked to their analysis of what was in that City of Toronto Act to get a sense of whether or not as a New Democrat I should be supporting the City of Toronto Act.

I raise it because at the time when the City of Toronto Act was being voted on in this House, there were people who supported that bill from the New Democratic caucus, and I stood with them, knowing that they were the ones who had the most information about the City of Toronto Act and the most insight into the effect of the City of Toronto Act. Of course, I first touched base with

my mayor, Mayor Larry Di Ianni, in the city of Hamilton. I spoke to him and said, "Look, the City of Toronto Act is coming. It's coming down the pike. What is your position? How do you feel about it? Are you supportive? Are you not supportive? What have you been hearing and doing from the perspective of the leadership of my community?" At that point he told me that in fact he had been working with other mayors in Ontario; had been, I guess, promised—gosh, I hate that word around here these days. I guess you guys hate it more, since it's something that you're tarred with all the time in terms of the breaking of promises. Nonetheless, he said that he had been assured—there's another word—by the government that in fact once the City of Toronto Act had been passed and had gone forward, the government would get down to the business of dealing with similar legislation for the other cities in Ontario.

When I was dealing with the City of Toronto Act from the perspective of a person from the city of Hamilton, one of the things that came up in my mind was, "Great for Toronto; what about the rest of us?" Again, as my mayor indicated, he wasn't really too concerned about that, having had the commitment, the assurance of the government that they were going to move on to these other pieces, some of which are before us today, and in fact I supported that bill. It was passed after third reading and became the law of the land, if you want to call it that.

1630

Interestingly enough, though, the ink was barely dry on the City of Toronto Act when, about six weeks later, the next piece of municipal reform came forward, and lo and behold, we just voted on that piece this morning—for final reading, as a matter of fact. We just did the third reading vote on the next plank in the municipal reform package, bundle, that the government has been bringing forward, and that was Bill 51. And you noticed that every single one of my colleagues and I stood up against Bill 51? Why is that? Because Bill 51, six weeks after the City of Toronto Act was approved, included amendments that removed from the City of Toronto Act the opportunity for the city of Toronto to have anything to say about the siting of power plants in its community.

So now we all know what we're talking about here, because the big, controversial power plant that we're talking about, the big controversial power plant that was on the agenda, in fact, when my colleague from Toronto—Danforth was on the hustings, was the port lands power plant. And what happened? Oh, no problem; it was covered off. It was in the City of Toronto Act. The city of Toronto would have the opportunity to deal with siting the energy facilities within its own boundaries. Six weeks later, ink not even dry, Bill 51, and the government takes away the right of the city of Toronto to site power plants or have anything at all to say about the siting of power plants.

You can't on the one hand say you're giving the municipalities the respect, you're giving them the ability to make decisions on their own, that they've grown up, they're now an order of government that can do their



own thing and you're giving them free rein and you respect their ability to make the right decisions for their communities—how the heck do you say that one day, and then, six weeks later, pull the rug from underneath them on a major issue like the siting of a power plant? It was huge slap in the face. It was a bit of a bait-and-switch process, and unfortunately the government decided to turn its back in a very mendacious way against the city of Toronto.

Now, here again we have a similar problem, because in Hamilton we have the same issues facing us: the siting, in our city, of a sewage incinerator—just waiting for a company to get approvals for sewage incineration. Well, guess what? This bill before us does the same thing. Sure, it gives powers similar to what were given to and then taken away from the city of Toronto. In other words, other cities will not have the ability to ensure that they have any say at all over the siting of power plants.

That's a big, big problem. You can't on the one hand say you believe in these principles, and then on the other hand turn around and say, "But not when it comes to our agenda. When it comes to our agenda of the province of Ontario, the McGuinty Liberal agenda, cities really don't have anything to say about it. That's something we decide. We are going to keep that power and we're not going to allow you to have anything to say about it"—notwithstanding the fact that it's going to significantly affect the quality of life in the neighbourhoods of the people you represent at the municipal level.

There you go. That was a big, big problem for not only what happened with the City of Toronto Act but what's before us today. It's a huge issue.

Another thing that has come up in regard to this bill is the whole issue of whether or not municipalities are able to expand their scope or their reasons for going in camera. I know my friend from Ancaster–Dundas–Flamborough–Aldershot was speaking a little bit earlier about some of the sensitivities in the city of Hamilton.

*Applause.*

**Ms. Horwath:** I've been to all of those communities, so I thank you for that applause.

He was talking earlier about some sensitivities in my community about, for example, transparency issues—election financing—and I think he was speaking about the ombudsperson or the ombudsman's position, which I'll be speaking to in a few minutes.

One thing he didn't speak about is the other big issue that always comes up in my community, and I know it comes up in other communities too, and that is the issue of in camera meetings and the extent to which municipal councils have a tendency to abuse their power to go in camera.

All the years I was on council, there was a very restricted number of reasons that you could go in camera. You could go in camera to deal with a personnel issue, obviously, you could go in camera to deal with the sale or purchase of land, obviously, and you could go in camera to receive legal advice—three reasons. Bill 130, which is before us today, allows for—I just need to find

it in the words spoken by my friend from Beaches–East York, who's the main critic on this file. Basically, what they now can do, if this bill passes in its current form, which is the reason why it needs to go to serious committee work—it now allows municipal councils to go into camera—get this—as long as they're not going to materially advance decision-making. Well, what the heck does that mean?

I know in my own city it's gotten huge amounts of criticism. People complain that they don't even get agendas on time. Sometimes agendas aren't even published. There are special meetings held, and nobody knows what they are until the day the meeting takes place. Then, interested parties can't even show up because nobody knew what was going to be on the agenda. Now we're going to have the councillors being able to go into an in-camera session to talk about whatever they want to talk about as long as it doesn't "materially advance decision-making."

I've got to tell you, this is going backwards from what I hear in my municipality about what people want. People want more accountability. In fact, one of those commitments, one of those promises, one of those assurances that this government said it stood for was greater transparency. We know that they're not achieving that at the provincial level, but now they're providing an opportunity for it not to be achieved or they're making sure it's not going to be achieved at the municipal level in Bill 130, because it's encouraging councils to do something that is boisterously being opposed by so many individuals within these municipalities, and that is the willy-nilly going into camera of the municipal councils. It certainly doesn't serve the goal of transparency.

When the bill was first tabled, one of the columnists in my local newspaper had an article in the opinion column where he had some interesting things to say about the legislation. One was that the idea of appointing an Ombudsman was perhaps a good idea and one that would help citizens in their quest for achieving an understanding of whether or not the complaints that they have against the councils have merit, and providing an independent or at least an unbiased view to addressing some of those problems.

I guess what the problem that I see with that is, and it's something that our provincial Ombudsman, André Marin, actually raised as well, is that in fact there's nothing in this bill that really sets out the requirement for the absolute independent and arm's-length nature of the position that is contemplated in the bill, kind of a quasi-Ombudsman type of position.

Anybody who's got anything to do with the municipal council will know that the senior staff and council relationship is one that is sometimes quite rocky but often-times quite co-operative, and so it should be. The council wants to further its political agenda; the staff have to implement the vision that the council puts forward or the mayor puts forward, so you need to work as a bit of a team to come out with, at the end of a term, some of the things that you had hoped were achievable when you first set your agenda up.



Unfortunately, what this bill doesn't really provide is the opportunity for somebody outside of that structure, somebody who is not reporting to, not beholden to, whose budget is not reliant upon the existing municipal structure—and therein lies the rub in terms of finding an appropriate place or voice for people to take their complaints or concerns to.

The other thing is, Mr. Speaker, and you'll know this: The bill doesn't require this to happen; it enables it to happen. It enables municipalities, if they so wish, to put these positions into place—well, it's not a matter of wishing.

First of all, if you actually are going to have an effective Office of Ombudsman at the municipal level, it's a matter of ensuring that that's totally independent and separately budgeted, with separate oversight completely to the existing structures within the municipality. So the issue becomes, who can afford it? Who can afford that? Who can afford to fund all of the investigative tools, for example, that our current provincial Ombudsman has? It's simply not going to translate in the same way as our current Ombudsman has here in Ontario.

What Mr. Marin said is that “The citizens of Ontario deserve to have a strong, credible and independent oversight body with full investigative powers to ensure compliance with public meeting requirements, as well as to deal with general complaints about municipal matters affecting them.”

1640

The bill, as currently drafted, would act solely as a default for investigation of complaints. The current Ombudsman's office would be a default to any structure the municipality puts in place, and that's simply not strong enough, especially when you consider that the issues of in camera meetings—whether or not they are legitimate and whether or not they were called for appropriate reasons under the current restrictions—are a major bone of contention in many municipalities, and now adding this nebulous fourth opportunity, as long as it's not furthering the decision-making process, is nonetheless a bit rich, but it will also cause more and more problems.

There are a few other minor issues—not minor issues but just small ones that I wanted to raise. One is that the bill is not equal to some of the powers that were provided to the city of Toronto, and so that remains an outstanding problem.

The final one—I was actually kind of shocked because I had my basic items that I thought were important that I needed to touch on in my speech, particularly as they relate to my experience in my own municipality. But I turned and asked my colleague from Beaches–East York, the NDP critic on this file, specifically what he saw, other than the ones I was already going to talk about. What did I miss? What is out there that I missed?

I know there's one major issue that my friend Peter Kormos, who will be up very shortly—for all those Peter Kormos fans who are out there waiting to hear Peter speak, he's coming to a station near you any moment

now. The member for Niagara Centre has some particular issues he's going to be raising

However, one that actually floored me when the member from Beaches–East York raised it with me is that apparently the bill—and I didn't have a chance to look up the section—allows for electronic voting. I thought, well, what's the big deal there? I can remember going to a couple of different municipalities across Canada—Edmonton comes to mind. They have beautiful, relatively new council chambers, and they have electronic devices at their seats. They don't vote by voice and they don't vote by hand. All of their votes are recorded votes, and they're all recorded by way of electronic devices at their seats.

So I said to my friend, “I don't understand what the problem is with electronic voting. Many municipalities are going that way.” He informed me that the way the legislation before us is written, members of council can actually register their votes and not be inside the council chamber at the time. Apparently there's no requirement for members of council to be present for the debate, to listen to the discussion, to be informed by the points being brought forward by their fellow councillors and/or staff, as these discussions usually occur at a council table. None of that is required. In fact, you can be on vacation on the other side of the world, and as long as you have your device with you, your BlackBerry or whatever it is, you can vote for for a totally different location, certainly whether it's in the council chamber or not, whether it's in the city or not, whether it's in the province or not, whether it's in the country or not.

Maybe that's a drafting oversight. I certainly hope it is, because for anybody to think that it's right, that it's appropriate for a municipal councillor—for anybody—to be able to vote on an issue and not be present, not even be there, not even be privy to the discussion, not even be engaged in the debate, not in any way be able to reflect upon the issue before the council, and they can simply register an electronic vote, I've got to say, doesn't sound like a democratic process to me. It doesn't sound like we would want to enshrine in legislation allowing councillors to vote electronically and not even participate in council meetings.

Those are some of the issues that I think are important and that we need to reflect on. I know this bill is going to take some time in committee, and I'm looking forward to how some of these issues are addressed. We are only at second reading of this bill, so there's some work to be done. I'm very hopeful that not only municipalities, because that's who often come—municipalities and staff and people who are kind of in that realm—but citizens of Ontario, as they watch these debates here on the parliamentary channel, are considering putting their names forward to come and deal with some of these issues at the committee level, because we really need to hear the voice of the people. The changes are going to affect them more than any other changes, because we all know that the municipal level of government is the closest level of government to the people, it's the most accountable insofar



as—unfortunately, I myself spend a great deal of time in this city and not so much in my own city. When I was a city councillor, day in and day out, you're accountable to the people who put you there. If these changes are going to go forward, the people of Ontario need to know what's happening in terms of the legislation that's going to affect them and the nature of local government in their area. It's extremely important, and anybody who's interested, from neighbourhood associations to potential candidates to people who are simply engaged in local issues, I would encourage them to have something to say about this bill, because certainly the bill is problematic and needs to be fixed up in a big way.

**The Acting Speaker:** Questions and comments?

Seeing none, further debate?

**Mr. Peter Kormos (Niagara Centre):** I appreciate the input today of my colleague from Hamilton East, Andrea Horwath. I especially want to thank Michael Prue, our critic, the member for Beaches–East York, for his work on behalf of New Democrats in the analysis and critique of this oh, most interesting bit of legislation, isn't it? To suggest that it has to go to committee is a gross understatement, Ms. Horwath. If anything cried out for scrutiny, it's Bill 130.

I also want to mention Colin Chambers. He's one of our research staff who worked a whole lot in going through this bill—and I've gone through it too. We've only got 20 minutes. Let me just highlight for you some of the wackier, more noteworthy and downright disturbing parts of the bill.

Section 6 of schedule D, the bylaw extending hours of sale: What that does is give municipalities the power to extend closing time. You know the Leonard Cohen song *Closing Time*? Well, the fact is, closing time in the province of Ontario is now 2 a.m. There were many of us who had concerns about that, because the reality is that the longer the bar is open, or the tavern or the pub or the club, the more people are going to drink, and if you serve until 2 instead of just 1, that's time for a few more under your belt, and all you've got is drunker people out on the streets at 2 a.m. than they would have been at 1.

It's a serious public safety issue, because the unfortunate reality—witness the very impressive six-part, seven-part series in the *Toronto Star* on drunk driving. It seems folks still haven't learned. But this section gives municipalities the power to extend the closing time beyond 2 a.m. What's going on? Till what time in the morning do we want drunks pouring out of saloons, peeing in alleyways, vomiting on street corners and causing a ruckus and racket—3 a.m., 4 a.m., 5 a.m., 6 a.m.?

**Ms. Horwath:** When the kids are going to school.

**Mr. Kormos:** Yes, in time for the kids, as Ms. Horwath said—in time for the elementary school kids and high school kids to be marching off to school.

I don't want anybody to think I'm a prude on these types of matters. Unlike my predecessor, Mel Swart—who, I want to tell everybody, is alive and well and doing well, well into his 80s, I must say, and who is still very much a mentor and a source of advice for me. I consult

him often. Mel was a temperance man. It's true. He got his start in politics when he was delivering milk. He was a milkman after the war down in Thorold South. And he was a temperance man. He saw, as a milkman—think about this, because there were a few bootleg joints down there—the drunks stumbling home at 5 and 6 a.m. when he was on his milk run. He also saw the devastation that families suffered when the old man blew the paycheque at the bootleg joint. Mel was a temperance man, and still is. I'm not, unapologetically. I like supporting Ontario's wineries and grape growers and the spirits manufacturers of Windsor and down Grimsby way.

**1650**

As I say, the 2 a.m. extension in and of itself and the silly argument that it promotes tourism—was that one of the arguments, that it promotes tourism? Oh, horse feathers. Tourists are up early in the morning going to the sights and at 2 a.m. they're dead asleep in their beds. Please. Is it helpful to the restaurant industry? No. At 2 a.m., 1 a.m. or even midnight, people aren't eating anymore. That's when they're into the two-fisted, heavy-duty drinking.

**Ms. Horwath:** The shooters.

**Mr. Kormos:** The Jell-O shooters, Ms. Horwath says.

**Ms. Horwath:** I didn't say Jell-O, but whatever.

**Mr. Kormos:** For the life of me, I don't know why we need to abandon or abdicate what I believe is provincial responsibility to determine standards around the availability of booze in our society. I really believe that's a provincial responsibility. It's a provincial responsibility not just constitutionally, but I think from a pragmatic perspective, it's important that there be one law for all of the province.

Take a look at what's going to happen. I read subsection 6(2) very carefully. It gives two distinct powers to a municipality. One is to pass a bylaw extending the hours of sale of liquor in all or part of the municipality. That's how I read the section. The second power contained in that—so that means for all time, every day of the week, every week of the year. If municipality A says, "No, to heck with 2 a.m. closing times; we're going to have 3 a.m. closing times," the municipality can pass that bylaw. Boom, the liquor license act is overridden. Or the municipality can pass a bylaw designating a specific officer or employee, without council's approval, without the need for a bylaw in effect to do this, to grant or authorize the extension of hours of sale—now, catch this; the government should be proud of this language—during events of municipal, provincial, national or international significance. That's every day of the week, every week of the year. Every day is going to be Hamilton Day. So we'll have people pouring onto the streets all drunk up at 3 in the morning.

Look at what the impact is going to be, because this is going to drive us to the point of dangerous irrationality: If municipality A extends its drinking hours, its closing time, to 2:30, then the saloon owners, the tavern owners, the club owners across the road in the next municipality are going to say, "But we need to extend our hours to



2:30 so we can be competitive." Then municipality C says, "Well, we'll fix them. We'll stay open till 3," and you've got the domino, the ripple effect. I think this is bad, bad policy.

There may well be the rarest of times—and one of them was during the international soccer events. One of the arguments made was that folks are gathered in bistros and clubs and bars watching soccer games that are being played at 5 a.m. our time. So maybe it's arguable that on a real "one-off," those people can be accommodated, although I'm still not going to advocate it as a general rule.

To extend hours of sale doing events of municipal significance? Provincial significance? What's that going to be? Look, I'll tell you what. The night of the election in which this government gets defeated, I'll be hoisting a few myself, okay? That will be of provincial significance. I'll be drinking Niagara champagne. I'll be drinking the VQA's finest. That would be of provincial significance. This illustrates the silliness of it. It's not well thought out.

I'm not sure municipalities want that power. Look at the sort of pressure that can and will be applied to councils around this issue, especially when you get into the checkerboarding and the result of checkerboarding; you know, municipality A is at 2 a.m. but municipality B is at 2:30. We've seen this happen in other areas of the retail and service sector, where there has to be catch-up. It's just one of the realities. I think it's a bad policy.

Again, I really think that to cavalierly propose the extension of drinking hours is a very dangerous social policy. However much we can joke about liquor consumption—and that's part of the problem; there's still some humour in being tipsy, amongst some quarters, at least, and getting behind the wheel of your car—the fact is that it's a very serious matter. I'm not saying this should be a province of prohibition. You've heard me say that prohibition doesn't work. It didn't work for booze and it doesn't work for marijuana, for instance. But I think this is something that warrants far more thorough consideration than it has received so far.

I have so little time, but let me take you to wacky and wackier. One of the biggest complaints that I'm confident most, if not all, of us get from people in our communities—because, don't forget that people don't just come to us about provincial matters; people come to us about federal and municipal matters. One of the things that just rots people's socks is the in camera meetings, the secret meetings of city, town and regional councils.

I was on Welland city council. I was so pleased and so grateful to the folks who entrusted me with that before I came here. As it is now, the current Municipal Act requires that there be certain prerequisites in terms of the type of matter that is being discussed before a council can go in camera, but that, of course, was abused persistently and consistently: "Oh, it's a personnel matter." Well, just in the most extreme and scarcest of ways was it a personnel matter. You mention the name of the HR staff person and it becomes a personnel matter.

My view about in camera meetings of councils when I was a councillor—you know the argument: "Well, there are things we can say in camera that we can't say publicly." Well, if you can't say it publicly, maybe you shouldn't be saying it. If you're in an elected position, an elected official, and you haven't got the guts to say it publicly, or if it's libellous, then don't say it privately. Huh?

This government wants to lower the bar for municipal councils that want to hold secret, behind-closed-doors—you know, those smoke-filled backrooms where all the deals are made—kinds of meetings. Some councils use them to do the straw votes and the arm-twisting. There's no voting, right? Some councils actually have the audacity to do this before a regular council meeting, the same evening. So let's have a pre-council meeting and then the council meeting, and boom, it's like a greased pig, the way stuff slips through and gets voted upon and the gavel comes down. Well, it is. You've been there, Ms. Horwath.

1700

**Ms. Horwath:** I have.

**Mr. Kormos:** You feel like somebody smacked you in the back of the head with a hockey stick. You're stunned. You go, "Holy moly," because all the wheeling and dealing and brokering—brokering, huh?—is going on behind closed doors. No, I don't buy that. We shouldn't be lowering the bar. This government should be ashamed of itself for lowering the standard for when secret, behind-closed-doors meetings are being held. It should be raising the standard.

The other one, and this is wackier, is the provision that permits councils to pass bylaws to permit a member to participate electronically in a meeting, even to the point of voting. So you've got a council, and the mayor is down on some Cuban beach with Tony Ruprecht, phoning in his or her vote. Well, think about it. That's what this bill permits and encourages. We don't have to encourage that kind of behaviour. Phone in your vote; what a stupid proposition.

**Ms. Horwath:** Pizza Pizza democracy.

**Mr. Kormos:** I love that, Ms. Horwath. Pizza Pizza democracy, yes: Phone in your vote. Oh, yes. You've got some councillor at 2:30 in the morning all drunk up in some saloon somewhere phoning in his or her vote—and don't think these things aren't going to happen. Dollars to donuts they will, if this bill passes in its present form.

There's so much more. But one final issue is the issue of municipal ombudsmen. I think it's imperative. I really think there should be ombudsmen, and I say that because that's the historic word. Some people have taken to saying ombudsperson; I'm not quite there yet. I'm just not. I may be forced to at some point. But it's imperative that should a municipality, should the council of a municipality in its wisdom—and it would be a wise thing to do—make available the services of an ombudsman, that that ombudsman be independent, that ombudsman be, and be perceived to be, above and beyond any influence by any member of the council or any member of



the municipal staff, clerk, administrative officer, what have you.

It is noted that André Marin—and we are grateful to him for his observations about the bill and his comments in this regard that the bill permits a city, a municipality, to have an ombudsman as one of its staff, reportable to the clerk's office or whatever. That's totally unacceptable. That betrays a lack of understanding about the ombudsman role. But if you're going to invest in the cost of an ombudsman, and it costs money, I submit to you it's money well spent. An ombudsman in municipalities—you know what? Small towns could actually collaborate. Small municipalities that have limited, limited, limited revenues could have an ombudsman working for a whole region—perfectly feasible. But the proposition that an ombudsman could even be thought of as being a staff person of a municipality is a contradiction. It's no longer an ombudsman. It's something, but it's no longer an ombudsman.

That has to be addressed. I think it's a flaw that has to be spoken to and that cries out for committee.

I tell you, New Democrats have made it clear from the get-go that we're going to insist that this bill go to committee. We're going to deny it third reading until such time as committee reports it back to the House. And the committee hearings have got to be broad enough to—there's a whole lot of stuff here. I've just highlighted a few areas that have caught my interest and that I've chosen to highlight in the course of a mere 20 minutes. It's an extensive bill. It warrants thorough committee

consideration and broad-based public participation. Of course, with the municipal election coming November 13, it would be naive to have those committee hearings before those municipal elections. It is imperative that the committee hearings be held when those newly elected or re-elected councillors, reeves, mayors etc. are in office, because they will undoubtedly have an interest and want to make contributions.

Thank you kindly for your patience with me, Speaker. I appreciate your rapt attention.

**The Acting Speaker:** Further debate?

Seeing none, Mr. Gerretsen has moved second reading of Bill 130, An Act to amend various Acts in relation to municipalities. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading?

**Hon. Mr. Phillips:** I would ask that the bill be referred to the standing committee on general government.

**The Acting Speaker:** The bill is ordered referred to the standing committee on general government.

Orders of the day.

**Hon. Mr. Phillips:** I move adjournment of the House.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

This House stands adjourned until Monday, October 16, at 1:30 p.m. of the clock.

*The House adjourned at 1707.*

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		Markham	Vacant
		York South–Weston / York-Sud–Weston	Vacant

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

## TABLE DES MATIÈRES

**Jeudi 12 octobre 2006**

### **AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS**

<b>Loi de 2006 modifiant la Loi sur l'éducation (stabilité pour les étudiants vivant dans un logement de transition, projet de loi 133, <i>M<sup>me</sup> Matthews</i> Adoptée.....</b>	<b>5424</b>
<b>Loi de 2006 modifiant le Code de la route (utilisation de matériel portatif par les conducteurs débutants), projet de loi 135, <i>M. Flynn</i> Adoptée.....</b>	<b>5425</b>

### **TROISIÈME LECTURE**

<b>Loi de 2006 modifiant des lois en ce qui a trait à l'aménagement du territoire et aux terres protégées, projet de loi 51, <i>M. Gerretsen</i> Adoptée.....</b>	<b>5433</b>
---	-------------

### **DEUXIÈME LECTURE**

<b>Loi de 2006 modifiant des lois concernant les municipalités, projet de loi 130, <i>M. Gerretsen</i> Adoptée.....</b>	<b>5456</b>
---	-------------



# CONTENTS

Thursday 12 October 2006

## PRIVATE MEMBERS' PUBLIC BUSINESS

<b>Education Amendment Act (Stability for Students in Transition Housing), 2006,</b> Bill 133, <i>Ms. Matthews</i>	
Ms. Matthews .....	5407, 5414
Mr. Klees .....	5408
Ms. DiNovo .....	5410
Mr. Leal .....	5411
Ms. Scott .....	5412
Ms. Horwath .....	5413
Mr. Parsons .....	5413
Mr. Levac .....	5414
Agreed to .....	5424
<b>Highway Traffic Amendment Act (Use of Portable Equipment by Novice Drivers), 2006,</b> Bill 135, <i>Mr. Flynn</i>	
Mr. Flynn .....	5415, 5423
Mr. Leal .....	5416
Ms. Horwath .....	5417
Mr. Levac .....	5419
Mr. Ouellette .....	5420
Mr. Ramal .....	5421
Mr. O'Toole .....	5422
Agreed to .....	5425

## MEMBERS' STATEMENTS

<b>Mohammed Jamil Dar</b>	
Mr. Klees .....	5425
<b>Heritage conservation</b>	
Mr. Brownell .....	5425
<b>Liberal campaign promises</b>	
Mr. Arnott .....	5425
<b>Sukkot</b>	
Mr. Racco .....	5426
<b>US Coast Guard initiative</b>	
Mr. Runciman .....	5426
<b>Immigrant services</b>	
Ms. Horwath .....	5426
<b>Rose Theatre</b>	
Mrs. Jeffrey .....	5426
<b>Jeans for Genes Day</b>	
Mr. Rinaldi .....	5427
<b>GreenField Ethanol</b>	
Mrs. Mitchell .....	5427

## STATEMENTS BY THE MINISTRY AND RESPONSES

<b>Transportation</b>	
Mrs. Cansfield .....	5427
Mr. O'Toole .....	5428
Mr. Tabuns .....	5429
Mr. Hampton .....	5430

## THIRD READINGS

<b>Planning and Conservation Land Statute Law Amendment Act, 2006,</b> Bill 51, <i>Mr. Gerretsen</i>	
Agreed to .....	5433

## ORAL QUESTIONS

<b>Access to health care</b>	
Mr. Klees .....	5433
Mr. Smitherman .....	5433
<b>Government advertising</b>	
Mrs. Witmer .....	5434
Mr. Smitherman .....	5434
<b>Education funding</b>	
Mr. Hampton .....	5435
Mr. McGuinty .....	5435
<b>Hydro rates</b>	
Mr. Hampton .....	5436
Mr. McGuinty .....	5436
<b>Casino employees</b>	
Mr. Hudak .....	5437
Mr. Caplan .....	5437, 5438
Mr. Kormos .....	5438
<b>Cancer prevention</b>	
Mr. Arthurs .....	5438
Mr. Watson .....	5438
<b>Municipal restructuring</b>	
Mr. Hardeman .....	5439
Mr. Gerretsen .....	5439
<b>Long-term care</b>	
Ms. Martel .....	5440
Mr. Smitherman .....	5440
<b>Brantford Collegiate Institute</b>	
Mr. Levac .....	5440
Ms. Wynne .....	5440
<b>Small business tax relief</b>	
Mr. Chudleigh .....	5441
Mr. Takhar .....	5441
<b>Windsor economy</b>	
Mr. Prue .....	5441
Ms. Pupatello .....	5441
<b>Workplace safety</b>	
Mr. Brownell .....	5442
Mr. Peters .....	5442
<b>Poaching</b>	
Mr. Miller .....	5443
Mr. Ramsay .....	5443

## PETITIONS

<b>Water quality</b>	
Ms. Scott .....	5443
<b>Long-term care</b>	
Ms. Horwath .....	5443
Mr. Chudleigh .....	5445

## GO Transit tunnel

Mr. Ruprecht .....	5444
<b>Property rights</b>	
Ms. Scott .....	5444
<b>Child protection</b>	
Ms. Horwath .....	5444
<b>Immigrants' skills</b>	
Mr. Kular .....	5445
<b>Fair access to professions</b>	
Mr. Ruprecht .....	5445
<b>Property taxation</b>	
Mr. Hudak .....	5445
<b>Identity theft</b>	
Mr. Ruprecht .....	5445
<b>Taxation</b>	
Mr. Hudak .....	5446

## SECOND READINGS

<b>Municipal Statute Law Amendment Act, 2006,</b> Bill 130, <i>Mr. Gerretsen</i>	
Mr. McMeekin .....	5446, 5449
Ms. Scott .....	5448
Ms. Horwath .....	5448, 5451
Mr. Berardinetti .....	5449
Mr. Chudleigh .....	5449, 5450
Mr. Kormos .....	5454
Agreed to .....	5456

## OTHER BUSINESS

<b>Visitors</b>	
Mr. Smitherman .....	5427, 5443
Mr. Takhar .....	5430
<b>Tony Grande</b>	
Mr. Hampton .....	5430
Mr. Sterling .....	5431
Mr. Colle .....	5431
<b>Ministers' attendance</b>	
Mr. Runciman .....	5433
<b>Business of the House</b>	
Mr. Phillips .....	5446

Continued overleaf



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of Ontario**

Second Session, 38<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**

Deuxième session, 38<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 16 October 2006**

**Lundi 16 octobre 2006**



Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 16 October 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 16 octobre 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### NATIVE LAND DISPUTE

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** Yesterday, two large gatherings were held in my riding. Reports suggested that the population occupying Douglas Creek Estates swelled to nearly 2,000 people, in spite of a directive from aboriginal affairs Minister Ramsay that “the province has not provided permission for additional persons to be on the Douglas Creek Estates site” and also urging them “to find an alternative location for the planned Sunday picnic on the site.”

At the same time, between 500 and 1,000 people gathered outside the Caledonia community centre, where speeches described fear and intimidation, double standards and a community abandoned by Premier McGuinty.

Regrettably, a convoy from DCE drove through those assembled prior to the speeches. One speaker, a nurse from Caledonia, had this to say: “Premier McGuinty, you, sir, are a medical anomaly—the fact that you can stand when you don’t have a spine.”

Once the McGuinty government and the OPP indicated they would ensure people’s safety, I agreed to speak, stressing that “people on all sides of this issue barely got through the past eight months—they will not get through eight years.” I did not march to the occupied site.

I ask all members present to join me in thanking the OPP and everyone for allowing people to exercise their rights to protest peacefully in a province where freedom prevails and justice rules.

#### IDENTITY THEFT

**Mr. Tony Ruprecht (Davenport):** When hundreds of private credit files were stolen from Equifax, which is a credit reporting agency, I followed up and wrote to the RCMP. I uncovered a number of concerns:

(1) Identity theft is the fastest-growing crime. In 2004, over 10 million people in North America alone had their identity stolen. This involves billions of dollars and surely affects the health of our economy.

(2) Seven out of 10 thefts involve staff and employees of financial institutions. In other words, you and I cannot be held accountable or blamed for not being careful with our private information.

(3) If a person’s identity has been compromised or stolen from a corporation which safekeeps our private information, that corporation, as it stands now, does not need to inform us. Needless to say, this can have a devastating impact on our personal finances and credit rating and can take years to correct.

Consumer organizations have been clamouring for protection. Even Ontario’s Information and Privacy Commissioner is recommending that a breach law be passed which will force financial organizations to inform customers if their personal information has been compromised or stolen.

The McGuinty government is listening to this request by consumers. The Minister of Government Services is drafting new protection measures right now, as we speak. I’m delighted to see that some of these recommendations of my consumer protection bill, Bill 38, will be implemented.

#### PREMIER OF ONTARIO

**Mr. Frank Klees (Oak Ridges):** Earlier today, the Premier attended a symposium on character education. It must have been difficult for him to be reminded that character education is about reinforcing values such as respect, honesty, responsibility and fairness.

I would like to suggest some character education courses that the Premier himself should take. One such course is Honesty and Integrity 101. This is a class on the importance of keeping one’s promises. The 2003 Liberal election platform is absolute required reading.

Another is Perspectives on Fairness and Compassion, which will focus on the Liberal case study entitled “Premier McGuinty Versus Autistic Children of Ontario.”

The Basics of Respect for Taxpayers would require the Premier to study course material on how to handle taxpayers’ money with respect. The case study is entitled “How Irresponsible Can Government Get?” It will focus on the McGuinty government spending millions to redraw Ontario’s logo and on political TV advertising.

The advanced course that should be mandatory for every cabinet minister is Leadership and Responsibility: Making the Connection. This course would help the Premier and cabinet ministers learn to stop blaming



others for the problems that occur under their watch and learn to take responsibility for their actions.

It's the hope of all Ontario citizens that when it comes to character education, the Premier and his ministers will learn to teach by example.

#### HOPE FOR LEUKEMIA AWARENESS DAY

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** Today is Hope for Leukemia Awareness Day. It is my pleasure to rise in the House today to mark this important occasion. The importance of overcoming this terrible disease cannot be overstated. Approximately 4,000 Canadians are diagnosed with leukemia each year, and only half survive.

The Hope for Leukemia Awareness Day initiative was spearheaded by a young woman from Kitchener named Christine Ichim, whose mother was diagnosed with leukemia when Christine was a little girl. In 1996, she rollerbladed across Canada in order to raise awareness and funds for her mother's disease.

There is reason for families suffering from this disease to have hope. Late last month, I read a release from the Canadian Cancer Society that Dr. John Dick's research team at the University Health Network recently found a way to destroy the leukemia stem cells that cause a recurrence of this disease after chemotherapy. I am proud to say that our government's Ministry of Research and Innovation supported this breakthrough by providing research grants to the Ontario Genomics Institute and the Ontario Institute for Cancer Research.

Today I congratulate Christine and all those working to overcome leukemia. I encourage all members of this Legislature to stand together in our quest for a cure.

1340

#### WINTER STORM IN NIAGARA REGION

**Mr. Tim Hudak (Erie–Lincoln):** Thursday night, October 12, an unusual, severe and dangerous winter storm struck the communities of Fort Erie and Port Colborne. More than 30 centimetres of snow fell, an event Environment Canada called "historic," resulting in a state of emergency declared for both communities. The snow and high winds reaching 90 kilometres an hour brought down power lines, tore down trees and caused major flooding and extraordinary property damage.

It's in times like these that strong communities come together, neighbours help neighbours, and municipal staff, health care workers and emergency services personnel put their extensive training and their courage into action.

I want to thank those local hospitals and long-term-care employees for taking care of residents and patients when the power went out. I want to thank groups like the Salvation Army, the Red Cross, private organizations and individuals that set up emergency shelters like the Friends Over 55 Centre in Port Colborne.

I know my colleague Mr. Kormos, also from south Niagara, and I want to thank hydro crews from as far away as Cornwall and the hard-working people at Canadian Niagara Power for their extraordinary efforts. I want to thank the firefighters—mostly volunteers—police officers, and the Ontario Provincial Police, who came together to help out on this occasion. I want to commend Mayor Wayne Redekop of Fort Erie, Mayor Ron Bodner of Port Colborne, their councils and municipal staff who were on call 24 hours a day to coordinate aid. Most importantly—I know Mr. Kormos will join me—we want to thank the neighbours who helped neighbours: checking on the senior next door, clearing driveways from massive tree damage, and sharing heat and generators.

It's in times like these that strong communities come together, and I'm very proud to have the honour to represent people of this character.

**Mr. Peter Kormos (Niagara Centre):** I'm pleased to join with my colleague Tim Hudak in praising, applauding, complimenting and acknowledging folks in Port Colborne, Fort Erie and indeed beyond who helped residents down there cope with a genuine crisis, let me tell you. Power is still out, but linesmen came from all over southern Ontario, and the linesmen from Canadian Niagara Power themselves—IBEW members, International Brotherhood of Electrical Workers—were out there doing double, triple duty getting hydro reconnected. They were joined by the members of the Power Workers' Union and CUPE members doing similar work: restoring electricity to those areas hard hit and suffering from outage of electricity.

I have to acknowledge the outstanding leadership of my good friend Mayor Wayne Redekop in Fort Erie and Mayor Ron Bodner in Port Colborne, who both demonstrated strong, effective leadership skills—in Ron Bodner's case, assisted by CAO Robert Cotterill; Tom Cartwright, fire chief; and by the CUPE staff members of the city of Port Colborne, professional firefighters, volunteer firefighters, Niagara Regional Police, OPP, paramedics and local EMO officials.

There was an outstanding effort on the part of everybody. Jack O'Neil opened and maintained the seniors' centre on Fielden Avenue down in Port Colborne so that seniors without power in their homes could go there to stay warm and get fed. Salvation Army, Red Cross and the local volunteers were out in full force. There truly was a great community effort.

Small towns do it better. Port Colborne and Fort Erie demonstrated that this past weekend.

#### PIERRE ELLIOTT TRUDEAU

**Mr. Mario G. Racco (Thornhill):** I would like to take this opportunity to notify the people of Ontario that next Wednesday in Thornhill we'll be remembering one of the greatest political leaders that Canada has ever known; that is, the late Right Honourable Pierre Elliott Trudeau.

The former Prime Minister was born on October 18, 1919, and to celebrate this occasion, the people of Thornhill are organizing a tree-planting event to remember the late Pierre Elliott Trudeau. On the morning of October 18 at 10:00 a.m., we will be planting 18 trees to commemorate the occasion in the most appropriate of locations: Pierre Elliott Trudeau Park in Thornhill. We thought a tree-planting event would be an ideal way to remember the former Prime Minister, as it is well known that Pierre Elliott Trudeau was passionate about nature and the great outdoors.

The 18 red maple trees or similar will be planted around a wood lot and an arts school, representing not only Trudeau's passion for nature but also his love of the arts. Several community members will be attendance, including the students from nearby high schools and seniors from the Concord and Thornhill areas, who will be planting the trees.

All honourable members in this House and the people of Ontario are invited to participate. My office will be happy to assist with any questions you might have.

Finally, let me say: Long live the Trudeau legacy.

### DIWALI

**Mr. Bas Balkissoon (Scarborough—Rouge River):** Saturday, October 21, marks Diwali, the Hindu festival of lights that celebrates the victory of good over evil, as well as the renewal of life and the importance of knowledge. Diwali is commonly referred to as the festival of lights because, traditionally, small oil lamps called diyas were lit throughout people's homes, courtyards, gardens and rooftops. This emphasis on light is to drive away the darkness that engulfs the light of knowledge. Diwali is also the celebration of Lord Rama's return to his kingdom after 14 years in exile.

I want to recognize the role that new Canadians play in Ontario's economic, social and political infrastructure, particularly those in the Hindu culture. Those of Hindu descent are a rapidly growing percentage of new Canadians, and they represent a diversity of skill sets and professional experience. The McGuinty government is committed to ensuring the success of new Canadians and has worked to enact such legislation as the Fair Access to Regulated Professions Act, which allows new Canadians to gain employment in their related fields.

I want to extend well-wishes to Hindus all over the world during this most special occasion and wish them prosperity and continuing knowledge in the new year.

### NATIONAL SCIENCE AND TECHNOLOGY WEEK

**Ms. Monique M. Smith (Nipissing):** I rise today to inform the House that it is National Science and Technology Week. The McGuinty government considers attracting youth to science and technology to be a top priority, because we know Ontario has the potential to be home to the next generation of innovators. Our govern-

ment believes so strongly in research and innovation that we created the Ministry of Research and Innovation, and the Premier himself has taken on the role of minister. As a province, we are spending almost \$1.7 billion over five years to ensure we are supporting our best and our brightest.

My riding of Nipissing has already started to benefit from some of the programs offered by the Ministry of Research and Innovation. The youth of my riding will be able to take advantage of five programs that received funding under the youth science and technology program, or YSTOP, which connects tomorrow's researchers with today's leaders in science and technology. YSTOP promotes science awareness activities to at-risk youth and youth living in rural and remote communities by bringing them face to face with Ontario's leading-edge researchers and technologists for hands-on science and technology experiences beyond the classroom. Science Travels brings interactive science workshops to remote and aboriginal communities in northern Ontario and provides opportunities for youth to work in University of Ottawa laboratories. Another program, Science North, will develop a northern science network for 12- to 17-year-olds, connecting them to scientists in the north.

Innovation happens regardless of location. I know my constituents will want to view [www.Ontario.ca/innovation](http://www.Ontario.ca/innovation) to check out the many programs that are available through the Ministry of Research and Innovation.

**The Speaker (Hon. Michael A. Brown):** Thank you.

### MOTIONS

#### HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Monday, October 16, 2006, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1348 to 1353.*

**The Speaker:** Mr. Bradley has moved government notice of motion number 200. All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted  
Balkissoon, Bas  
Barrett, Toby  
Bartolucci, Rick  
Bradley, James J.  
Broten, Laurel C.

Fonseca, Peter  
Hardeman, Ernie  
Hoy, Pat  
Hudak, Tim  
Jeffrey, Linda  
Klees, Frank

Peters, Steve  
Peterson, Tim  
Phillips, Gerry  
Racco, Mario G.  
Rinaldi, Lou  
Runciman, Robert W.



Brownell, Jim  
Bryant, Michael  
Cansfield, Donna H.  
Caplan, David  
Colle, Mike  
Crozier, Bruce  
Delaney, Bob  
Di Cocco, Caroline  
Dombrowsky, Leona  
Duguid, Brad  
Duncan, Dwight  
Dunlop, Garfield

Kular, Kuldip  
Kwinter, Monte  
Levac, Dave  
Marsales, Judy  
Martiniuk, Gerry  
McMeekin, Ted  
McNeely, Phil  
Miller, Norm  
Mitchell, Carol  
O'Toole, John  
Parsons, Ernie  
Patten, Richard

Ruprecht, Tony  
Sergio, Mario  
Smith, Monique  
Smitherman, George  
Sorbara, Gregory S.  
Tory, John  
Watson, Jim  
Wynne, Kathleen O.  
Yakabuski, John  
Zimmer, David

**The Speaker:** All those opposed will please one at a time and be recognized by the Clerk.

#### Nays

DiNovo, Cheri  
Horwath, Andrea  
Kormos, Peter

Marchese, Rosario  
Martel, Shelley  
Prue, Michael

Tabuns, Peter

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 52; the nays are 7.

**The Speaker:** I declare the motion carried.

### STATEMENTS BY THE MINISTRY AND RESPONSES

#### SEAT BELTS

**Hon. Donna H. Cansfield (Minister of Transportation):** I rise in the House today to introduce an important piece of legislation that will save lives on Ontario roads.

My heart goes out to the families of those who were killed in a terrible collision in Caledon this weekend, and I know that all members will join me in sending our deepest condolences to their loved ones. There were 10 people, including at least one child, travelling in a van with only seven seat belts.

Right now, there is nothing in the Ontario Highway Traffic Act to prevent people from getting into a vehicle that doesn't have enough seat belts; today the McGuinty government is putting a stop to that.

In 1976, the Honourable Mr. Snow made Ontario the first jurisdiction in North America to make wearing seat belts mandatory. Today I am introducing legislation that would require one seat belt for every person in a vehicle that travels on Ontario's roads—one person, one seat belt—and I call on all members of the Legislature to support this legislation without delay.

Since seat belts were made mandatory, the number of people killed and injured in collisions has steadily dropped. Our proposed one person, one seat belt legislation could save even more lives.

The latest statistics show that about one third of all drivers and passengers killed in motor vehicle collisions were not wearing seat belts. I am heartened, however, that the most recent survey by Transport Canada found that Ontario has the second-highest rate, in terms of use

of seat belts in urban areas in Canada, at 93%. That's above the national average of just over 91%, but we must and we can do more. For every 1% increase in seat belt usage, five lives are saved. Our goal is 100%.

Of course, the safety of children is a particular concern of mine, as it is of many. I'm pleased to report that according to the 2004 Ontario Road Safety Annual Report, the number of children killed and injured in road collisions fell compared to 2003. Sadly, however, collisions are still a leading cause of death and injury for children between one and nine years old. We do know, however, that a properly used child safety seat can cut the chance of death or serious injury by as much as 75%. That's why the McGuinty government brought forward legislation to make it mandatory for all caregivers—grandparents, babysitters and even hosts of children's birthday parties—to ensure that children are properly secured in an appropriate car seat or booster seat when they're travelling. Drivers who don't, face a fine and two demerit points.

We are telling you that we take safety issues very seriously. That's why we made booster seats the law in Ontario. That's also why I'm introducing legislation today to ensure that everyone who gets into a vehicle on an Ontario road is safely secured.

I call upon our honourable members to support our life-saving one person, one seat belt legislation.

1400

#### CITIZENSHIP WEEK

**Hon. Mike Colle (Minister of Citizenship and Immigration):** I rise today to recognize Citizenship Week in Canada. Every year, more than 150,000 people from every part of the world become new citizens of this country. Through this act, they pledge their skills, their talents, their families and, most importantly, their hopes for a better future in Canada.

They know as well that to be a Canadian citizen is a singular honour but an honour that carries with it responsibilities. Mr. Kofi Annan, Secretary-General of the United Nations and winner of the 2001 Nobel Peace Prize, said it best: "No one is born a good citizen; no nation is born a democracy. Rather, both are processes that continue to evolve over a lifetime."

We are known throughout the world as a country that cherishes rights and freedom for all citizens, no matter their country of origin. We are also known as a caring and open society that champions tolerance, respect, equality, peace and belonging. Ontario, with people from more than 200 countries speaking 130 different languages living in harmony, is a shining example of these values at work.

Within a few kilometres of this precinct, we have Little India, Chinatown, Greektown, Little Italy, Little Poland, Little Portugal, Koreatown and Kensington Market. What the people who live in these communities have in common is that they or their ancestors were brave enough to start a new life in this province. They are



people who embrace Canada's values by becoming citizens, by voting, by being volunteers in their community and by being good neighbours.

This week is a week to celebrate what it means to be a citizen of this great country of Canada, and this celebration is an opportunity to recognize the value of citizenship. But this week is not only about celebrating our rights and privileges; it is also about remembering the responsibilities of good citizenship: our responsibility to understand and respect our laws; to participate in our democratic political system; to allow other citizens to enjoy their rights and freedoms; to appreciate and help to preserve our Canadian heritage; and to give back to our communities through volunteerism.

Ontario has a proud history of newcomers who have embraced the responsibility of citizenship by serving their community. This includes our first Prime Minister, John A. Macdonald, who was born in Scotland, and continues to this very day with such people as Michael Lee-Chin, the Jamaican-born entrepreneur. Mr. Lee-Chin has given back to this country in countless ways, including major donations to McMaster University and the Royal Ontario Museum. And filmmaker Deepa Mehta, who came to Canada from India in 1973, has enriched our culture with her award-winning films.

I cannot imagine an Ontario without the contributions of our early pioneers who bravely set out from their homes to commit to a new life in this country, who saw Canada as a land filled with opportunity and made the commitment to Canada by embracing the responsibilities of citizenship.

Citizenship means working together to build a stronger Canada and a stronger Ontario. It means making sure that our values, dreams and goals are reflected in our institutions, laws and relationships with one another.

Citizenship Week reminds us all of these values and responsibilities. It's also a time to reflect on the incredible contributions our veterans made for this country and the contributions our Canadian Forces are making today in the ultimate act of citizenship.

#### ONTARIO PUBLIC LIBRARY WEEK

**Hon. Caroline Di Cocco (Minister of Culture):** It brings me great pleasure to rise in the House to declare that today marks the first day of Ontario Public Library Week. This is a celebration of one of the best public library systems in the world, the system we have right here in Ontario. I was in Hamilton this morning to officially mark the occasion with some of my colleagues, MPPs Jennifer Mossop and Judy Marsales.

Whenever I visit a centre of learning and information like the Hamilton Public Library, I'm reminded of some of my earliest life experiences: the trips to the library. When I came to Canada as a child and did not speak English, the library was a wonderful whole new resource that I used regularly, and it was of great assistance in my learning to speak and write English. The books provided me a chance to learn the new language.

I realize now that our public libraries are so much more than just books. They contribute to our communities' cultural, educational and economic fibre. Libraries offer a wide variety of programs and services designed to increase literacy and help our children and youth reach their full academic potential.

People of all ages use libraries as a resource. Libraries make a difference in people's lives. This morning I heard several stories of how libraries made a difference.

I want to tell you about an initiative in which everyone can participate. Telling Our Stories is a personal story-writing contest that celebrates the impact of Ontario public libraries on its citizens and their communities. I encourage everyone in this House to think about your library stories and enter at [www.tvo.org/tellingourstories](http://www.tvo.org/tellingourstories).

As Minister of Culture, I have the opportunity to visit many public libraries across the province on a regular basis. I'm amazed by the profound transformation that the library as an institution has gone through since the days of my youth. These centres are now hubs of our communities. Thanks to new technologies, they are windows to the world and places we can go to feed an appetite for knowledge. Some of these facilities are one-stop shops for access to government resources online, one of the many steps this administration has taken towards making government work for people.

The Ontario government, under the leadership of Premier Dalton McGuinty, is committed to strengthening our public library system. That's why our government invests more than \$28 million every year in Ontario's public and First Nations libraries, and that's why this year we've made a new investment of \$15 million to support our library system.

More than 1,100 public library outlets across the province serve over five million cardholders. This government is working with the library community and other levels of government to improve the delivery of library services. We're working hard to ensure that no matter who we are and where we live in Ontario, everyone can access and share an impressive range of information, ideas and knowledge.

Our libraries promote literacy, ensure success for our students and improve our overall quality of life. Many libraries across Ontario are holding special activities to celebrate Ontario Public Library Week. I encourage you to show your support by highlighting the contributions of public libraries in your constituencies and getting involved in their celebrations. The theme for this year's celebration is "Libraries: the World at Your Fingertips."

#### SEAT BELTS

**Mr. John Tory (Leader of the Opposition):** I'm rising to respond to the statement by the Minister of Transportation, as the horrible tragedy of this weekend that the minister referred to, which I think has prompted this bill to come forward now, took place in my constituency. I want to join her and all members of the Legislature in expressing our sincere sympathies to the



families of those who lost their lives and who are affected by this latest tragic accident. We support the one passenger, one seatbelt principle this law is meant to address, including drivers, and this is consistent with the advice rendered to the government by the Canada Safety Council.

I will say that the opposition saw this bill at 12:40 today. I think we have an obligation to work together, as we're now going to do, to be able to compare it to laws in place elsewhere, to be able to consult stakeholders and, in short, to do our respective jobs as legislators—not just opposition legislators but as legislators, period. We are prepared to move quickly on this piece of legislation, but one of the questions I'll want to have answered, for example, as I think a number of my colleagues might, is the fact that one subsection of the bill that was introduced just a few moments ago, 106(3), says “one passenger, one seat belt” and enshrines that principle in law, while another section of the very same bill, 106(8)(e) and (f), gives the Lieutenant Governor in Council broad power to exempt classes of drivers and passengers from the very same law. Recognizing there are instances in which exemptions may be appropriate—I would think, very few and far between—we should say that we're either going to have one seat belt, one passenger or we're not, and not have this apparent contradiction within one piece of legislation.

1410

I repeat that we will agree to swift passage of this legislation in principle—it's the right thing to do—but I think, as well, it's important for all of us as legislators to make sure that we not just do the right thing but do it right and do our due diligence and make sure that the law means what it says and that it is consistent with the very best practices in place in the rest of Canada and elsewhere.

The tragedy in my riding this weekend should spur us, indeed, to urgent action. We should sit down, work together quickly, and then urgently pass a law which is right in principle and done right.

#### ONTARIO PUBLIC LIBRARY WEEK

**Mrs. Julia Munro (York North):** As we mark Ontario Public Library Week, I would like to thank all of our province's libraries for the important work that they do. They work very hard, with probably not enough money, to provide important library services. In my own riding, the Georgina Public Library told me earlier this year that:

“Rapidly evolving technologies are changing the way people access information and communicate with each other.

“Libraries are challenged to maintain traditional services and embrace new services, formats and technologies with existing money.”

Ontario's libraries are up to the challenge of working with new technology; they just need a government willing to do its share.

#### CITIZENSHIP WEEK

**Mr. Frank Klees (Oak Ridges):** I want to acknowledge, on behalf of the official opposition, that this is indeed Citizenship Week. I concur with the statement that the minister made that it's not just about recognizing the privileges of citizenship but also the responsibilities. During the course of this week, I trust that we as Canadians, who hold very dearly the privileges and benefits of our citizenship, will also give consideration to what it is that we as citizens must do, are called upon to do, to make a contribution by upholding our laws, by ensuring that we participate in the political process and the democratic process that gives us those rights and privileges.

Today we also want to recognize those new Canadians who will be making their pledges to become Canadian citizens during the course of this week. I know that many members will be participating in ceremonies throughout the province—I look forward to doing so myself—and joining with those new Canadians in celebrating their rights, their privileges and their responsibilities.

As someone who came to this country as an immigrant, I carry with me my citizenship certificate. It's dated May 4, 1964, and it's something that I hold dear. I continue to celebrate this country for what it has given us all, and together I know we want to say that we stand on guard for this great country.

#### SEAT BELTS

**Mr. Peter Kormos (Niagara Centre):** In response to the Minister of Transportation, the first observation is that it's just stunning that we have to consider legislation like this, that anybody in the year 2006 would put a vehicle into motion, as the operator of that vehicle, when passengers in that vehicle weren't adequately restrained and when the vehicle wasn't carrying the number of passengers that the vehicle was designed to carry at a maximum level.

We are eager to work with all parties here in seeing this legislative initiative proceed. I've already spoken with the government House leader and want to meet with him later this afternoon to talk about a process for this to happen. The bill has to have some exposure to critique and analysis by people who know a whole lot about these things. We're eager to see that happen in the promptest possible fashion.

Quite frankly, New Democrats want to see a bill that puts the onus very much on the driver, that tells the driver, the operator of a vehicle, “Don't even think about turning on that ignition key as long as people are not buckled up or as long as that vehicle is in a condition that's unsafe to operate or as long as that vehicle does not contain the number of passengers that the vehicle is designed to contain at maximum.” That's the only way you're going to get these vehicles not operating on the road overcrowded. The prospect of fining an individual who is not wearing a seat belt as a passenger is clearly not adequate in terms of the preventative effect of it, in



terms of the deterrent effect. The onus has got to be on the driver, the operator of the vehicle. We're going to be making those proposals during prompt clause-by-clause consideration.

#### ONTARIO PUBLIC LIBRARY WEEK

**Mr. Rosario Marchese (Trinity-Spadina):** In response to the Minister of Culture with respect to library week, I want to say that New Democrats respect librarians and respect the need to have well-stocked, well-equipped libraries.

I just wonder whether the minister can explain what the effect of budget cuts to her ministry from \$454 million last year to \$366 million this year will have on culture and specifically on libraries and librarians.

I wonder whether the minister could comment on the following: the People for Education document, which I know you respect and the Minister of Education respects. Only 54% of elementary schools have teacher librarians—a steep decline from 80% in 1998. In secondary schools, 74% have a teacher librarian—a decline from 80% in 2004. We note through their study that students have less and less of a love for reading in grade 3 and grade 6. I wonder why? Given the steep decline of teacher librarians in our schools, is it any wonder?

So it's important, when you talk about your Premier and his love for literacy and his love for reading and how we build that into our educational system—and then, I tell you, you'd better work on making sure we have well-equipped and -stocked libraries and you'd better make sure you get the librarians back into our elementary and secondary schools. If you don't do that, your love of literacy is all for naught.

#### CITIZENSHIP WEEK

**Mr. Peter Tabuns (Toronto-Danforth):** I rise to respond to the Minister of Citizenship and Immigration's comments on Citizenship Week. We're quite justly proud of the fact that people from all over the world come to live here in Ontario. We have great reason to be proud, but there's a dark side to the reality in this province, and that dark side is that thousands of our fellow citizens, people who are trained, who are experienced, who are skilled as professionals, are denied the opportunity to exercise that skill, that training and that commitment.

The government knows that barriers are keeping engineers, pharmacists and doctors out of their professions. The government has brought forward a bill, Bill 124, that is too weak to correct the problem. This bill, which was built on the report from Judge Thomson, does not incorporate many of the crucial elements that Judge Thomson said had to be there to make the system effective and open, to make sure the door is quite wide for those who come here and want to participate in this society to use their skills.

Without an independent appeals tribunal, without support for those who appeal a rejection of their appli-

cation, this bill will not correct the situation that undermines the value of citizenship. When people come to this province and want to participate as citizens, if we deny them the right to fully use their skills and talents, we deny a vital part of their citizenship.

The government must strengthen Bill 124, not simply bring it forward at written.

#### VISITORS

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** On a point of order, Mr. Speaker: I hope that all honourable members might join me in welcoming a first-time visitor to Canada who is in the members' gallery, east side. It's my pleasure to introduce Mr. Mike Hamel. He's the chairperson of Aguda, which is Israel's national lesbian, gay, bisexual and transgender organization. We welcome you to the Legislature.

**Hon. Jim Watson (Minister of Health Promotion):** On a point of order, Mr. Speaker: I'd like to also point out, in the members' gallery, Sharon Wood, executive director of the Breast Cancer Foundation of Ontario, and Lisa Marchitto, also from the Breast Cancer Foundation.

I'd like to ask unanimous consent for members of this Legislature to wear the breast cancer awareness ribbon pin as we celebrate October being Breast Cancer Awareness Month in the province of Ontario. I seek unanimous consent to wear these pins, which are available in both lobbies.

**The Speaker (Hon. Michael A. Brown):** Mr. Watson has asked for unanimous consent to wear a pin for Breast Cancer Awareness Month. Agreed? Agreed.

1420

#### INTRODUCTION OF BILLS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** On a point of order, Mr. Speaker: I seek unanimous consent to revert to introduction of bills.

**The Speaker (Hon. Michael A. Brown):** Mr. Bradley has asked for unanimous consent to revert to introduction of bills. Agreed? Agreed.

#### HIGHWAY TRAFFIC AMENDMENT ACT (SEAT BELTS), 2006

#### LOI DE 2006 MODIFIANT LE CODE DE LA ROUTE (CEINTURES DE SÉCURITÉ)

Mrs. Cansfield moved first reading of the following bill:

Bill 148, An Act to amend the Highway Traffic Act respecting the use of seat belts / Projet de loi 148, Loi modifiant le Code de la route en ce qui concerne le port de la ceinture de sécurité.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.



The minister may wish to make a brief statement. She already has.

### VISITORS

**Mr. Tim Peterson (Mississauga South):** On a point of order, Mr. Speaker: I rise today so that the House will recognize some wonderful people in the gallery. We have Jane Bonsteel, who is the mother of page Norah Bonsteel, with us.

We also have three students from Cawthra Park Secondary School and a father here to observe the wonderful things we do and how we help benefit Ontario society. Would you please rise so we can recognize you. Thank you.

### ORAL QUESTIONS

#### NATIVE LAND DISPUTE

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. The community and the province made it through this weekend's rally in Caledonia without serious incident, and I think we're all glad that that is the case. But what hasn't changed is the fact that the root cause of that rally, namely the occupation of the land that has gone on for 231 days now—which the McGuinty government owns, paid for with taxpayers' money—is still ongoing. You permitted the protesters to remain on the land preceding a resolution to the land claim without restriction as to time, without any requirement as to peaceful use of the land, and frankly, you're even paying the hydro bills.

In the summer, you said it would be unacceptable for those protesters to remain on the land come winter. Do you stand by that statement? If so, how do you intend to see that this time your word means something?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Let me take the opportunity, first of all, to congratulate the Ontario Provincial Police for the excellent work they did both during the course of the weekend and during the entire handling of this difficult matter.

Let me correct my colleague opposite so that he understands that we've now entered into an agreement with the First Nations community. They will assume all responsibility for all utility payments.

*Interjections.*

**Hon. Mr. McGuinty:** We have been working very hard at the table with the federal government and with the Six Nations community, and there is more progress that we are making. Perhaps there is some residual interest—Mr. Tory might ask his own colleagues—in what I have to say. Perhaps during the course of the supplementary I can get that out.

**Mr. Tory:** We're heartened to hear on the one hand there's an agreement with respect to the utilities, but it

was suggested, and I think it would be normal, that you would have a broader agreement with respect to other conditions that have to do with the use of that land. It's that that I want to refer to and refer you to, Premier, in the supplementary. By the way, we should see that agreement. If there is an agreement on utilities, let's see it. Make it public.

When you kind of pretend all is well as a result of this agreement, you can tell that to somebody like Anne Marie VanSickle, who lives two doors away from the occupied site. She says that her son is afraid to be alone in the bathroom. Her 12-year-old daughter can't sleep and cries, wondering who will help them. What specific steps have been taken to return their lives to normal? When I asked you about this, you said earlier—you just told us today that there's an agreement—that you had written to Chief MacNaughton. Yet even after the agreement that you now say is in place, the unacceptable behaviour is continuing. I've asked you to require that there be acceptable terms for the use of this land, including behaviour on the land.

The letter didn't work. Your agreement isn't working. Will you insist that minimum standards be put in place for behaviour and the use of this land as long as the people are there? Will you—

**The Speaker (Hon. Michael A. Brown):** Premier?

**Hon. Mr. McGuinty:** No, I will not direct the Ontario Provincial Police. My colleague opposite says everything but that, but I would challenge him to provide us with the specific set of instructions that he would deliver to the Ontario Provincial Police.

He says that the individuals on the land should not be there. There's only one group who could be charged with removing those protesters. If that's what the leader of the official opposition would like to do, then he should just be very positive and very public about that right now: that his choice is to provide explicit instructions to the Ontario Provincial Police that they should enter onto the land, perhaps today, and forcibly remove those people who find themselves there.

If it is his inclination to provide specific instructions to the OPP, then he should be very public about that, but it is not my inclination. We will continue to work with Prime Minister Harper, the OPP and the Six Nations community to resolve this in a manner that is peaceful.

**Mr. Tory:** Of course I've said nothing of the sort. What I have said is this: You and your government paid for, with taxpayers' money—you are the owner of—that land, and any time you are letting somebody use your land it is not unusual, in fact it's more the case, that you would impose reasonable conditions as to the use of that land, what people can and cannot do there. Yet, you bury your head in the sand while these people are suffering down there, living in circumstances that you yourself would not permit to have your own family subjected to. We have SUV engines roaring at night and lights being shone. We have tensions causing the anxiety that led to the protest we were all worried about this past weekend.

Your Minister of Municipal Affairs issued a press release months ago—three months ago, exactly—saying



that you were going to help these homeowners. Nothing has been done to help them. My question is, when are these people going to receive some help? When are you going to show some spine and get up and say you're insisting on some conditions as to the use of that land?

**Hon. Mr. McGuinty:** The leader of the official opposition seems to take particular delight in fanning flames here. I consider that to be irresponsible. I did not support the rally that took place this weekend. If you visit that particular individual's website, he lays claim to being a member of the Conservative Party. On that website, that particular individual says, "When you have terrorists that threaten your way of life, you do not hide from it. You face it head-on and you eliminate the terrorists."

When Mr. Tory refuses to say what kinds of explicit instructions he would send to the OPP but insists that those people be removed forcibly from the land, what he's doing is fanning the flames; he's encouraging that kind of activity. That is not the kind of thing we support on this side of the House. We will continue to act in a way to resolve it.

#### GOVERNMENT ADVERTISING

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. Premier, for days now we've asked you to remove your inaccurate and factually challenged ads stating that people can reduce their wait times by calling a phone number.

We've received an e-mail from Brenda Bailey of Carp, Ontario. She's an elementary school teacher who is a candidate for back surgery. After getting an MRI and CT scan in the spring, she began her wait for an appointment with a specialist. She recently found out she would have to wait two years just to see a specialist, and then she'd start waiting all over again for an appointment for surgery.

Ms. Bailey called your wait times hotline this morning and was told that back surgeries aren't a priority. They couldn't even tell her how long she'd have to wait for the surgery. Given that the ad you're paying for with taxpayers' money claims that if you want to reduce wait times, just phone this number, will you, since that drastically differs from her experience, withdraw this ad as being something that is not accurate and not consistent with the facts?

1430

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** As I had the privilege several times last week to indicate, we stand by the ad because the information there is verifiable. In fact, the Provincial Auditor, according to a law that we in this House passed subsequent to the last election, has done just that.

The ad very appropriately confirms three sets of circumstances that are well identified in the Ontario health care system: there are more MRI technologists,

and there is no doubt that that is the case; there are more nurses working in health care today than when we came to office, and there is indeed no argument that that is the case; and the evidence abounds—approximately 1.7 million people have gone onto websites to determine this to be the case—that wait times have been substantially reduced in a wide variety of areas.

In addition, by way of supplementary, I'll look forward to telling the honourable member how our other investments in health care have enhanced the number of surgeries that have been produced.

**Mr. Tory:** Perhaps we can just stick with talking about the ad. The Premier went on the radio on October 2, on CFRA in Ottawa, and this very woman phoned in to talk about her experience. She said that she was very unimpressed because the Premier had "glossed over the fact that [she] now face[s] a two-year wait" to see a doctor. You talk about what the television ad says. It says, "The doctor will see you now." This lady is waiting two years. She's not seeing a doctor now; she's maybe seeing a doctor in two years.

In the meantime, the quality of her life and that of her children, her husband and her mother is deteriorating. She can't work. She can't sit. She can't stand for more than five minutes at a time. She can't do the things she enjoys, like gardening and travelling. She has difficulty doing household chores. She has seen this ad, and she knows that the claim that it can help her reduce wait times is ludicrous. The fact it says that "the doctor will see you now" is also ludicrous and not consistent with the facts.

Premier, will you do the right thing and stop wasting millions of dollars and withdraw this ad that's inaccurate and is causing people like Ms. Bailey hurt?

**Hon. Mr. Smitherman:** I think it's noteworthy that one of the things that's very often necessary, of course, before a determination is made is a diagnostic service. Here we are talking about an individual who is from Carp, which of course is in the local health integration network that we refer to as Champlain, or the Ottawa area more generally, perhaps. What's interesting, I think, is that when our government came to office, MRI machines were actually almost non-existent, particularly in the Ottawa case, but circumstances in the Champlain LHIN are that wait times for MRIs have been reduced by 76.5%. This is but one more example of the investment stream of our government for people in the Ottawa area, which was one of those areas very distinctly forgotten about by the honourable member's party when they were in government.

We'd acknowledge, of course, that there is more work to do in health care. We've made very, very substantial gains in those areas where we've brought specific new resources and across the breadth of health care, particularly in hospitals, where each and every one of them has received more money each year. The beautiful part about that is that there has also been an increase in the number of surgeries beyond those areas which have been part of our wait time focus.



**Mr. Tory:** I assume from the fact there was nothing said that Ms. Bailey can just wait in pain and that that's it for her. She's to take from your self-satisfied answer that it's adequate for her to wait two years to see a doctor.

Gary McGregor of Kitchener doesn't buy your bogus propaganda, either. He wrote to us about his son-in-law, who needs an MRI to confirm a doctor's diagnosis of a condition causing severe back pain. Until that diagnosis happens, Mr. McGregor's son-in-law can't receive treatment. The MRI was booked in August. Mr. McGregor says that the earliest his son-in-law can get the MRI performed is mid-March—seven months, over 200 days. Mr. McGregor saw your ads. He checked the website, only to find that his seven-month wait doesn't even come close to the numbers you come in here and claim and that are shown on your website.

Will you finally admit, because it's time you did, that spending millions of dollars to put these ads on, which are totally inaccurate and misleading and causing hurt to these people—that these claims are not supported by the facts, they should be withdrawn and you should stop wasting precious taxpayers' money on this propaganda? Will you withdraw—

**Hon. Mr. Smitherman:** It is, in part, the intent of the honourable member to come in here on a daily basis and take away from the 1.7 million people of Ontario who have accessed the information which demonstrates in a provable and discernible way that wait times have been reduced—that the honourable member likes to dream his way through this and come to this House every day suggesting that this is not the case. Yet he doesn't acknowledge, first off, that there have been reductions. Even worse than that, this honourable member stands in his place every day and asks for greater investments in health care, but doesn't stand in his place and acknowledge that he is the master of a scenario that would see health care spending cut by \$2.5 billion each and every year. This is the precious record of the honourable member opposite.

#### EMPLOYMENT

**Mr. Howard Hampton (Kenora–Rainy River):** To the Premier: Under the McGuinty government, 118,000 good manufacturing jobs have been lost. That's 10% of Ontario's total manufacturing jobs. Now the Royal Bank reports that Ontario's economy is at a standstill, dead last in all of Canada this year.

The question is: Premier, we've all heard your promises about jobs in the future, but when is your government going to do something concrete and specific to sustain the good manufacturing jobs that are being lost now?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Of course we're preparing for jobs for the future and strengthening the economy today to that end. But I should also advise the leader of the NDP to look at the last three years. The fact of the matter is that this economy has generated 254,000 net new jobs. He's not prepared to acknowledge that.

We have worked very well, both with the labour sector and with the business sector, and perhaps there's no better example than in the auto sector itself. Today, for example, there was an announcement made at the Ford plant at Oakville, where they're launching two new products: the Edge and the Lincoln MKX. That particular plant alone is the beneficiary of a \$1-billion new investment: \$100 million on the part of the government and \$900 million on the part of Ford. Yes, we are being challenged by international economic forces but, yes, we will continue to work together here in Ontario to create more jobs.

**Mr. Hampton:** The Premier refers to Ford. I can read the auto sector analyst reports, and they all say that Ford is in big trouble—very big trouble. But this weekend I met with folks in Perth county, in the auto parts sector there. They talked about Dana Corp.'s truck frame plant in St. Marys, where 100 jobs have been cut; Dura Automotive Systems brake cable plant in Stratford: 280 jobs going.

They point out that many of these job cuts could have been avoided. For example, in northern Ontario, job losses could be avoided if people had a fair electricity rate. In some of the auto parts sectors, the auto parts plants need some bridge financing to get through a tough period. I proposed a jobs commissioner to help to do this work.

Premier, will you pass my bill and do at least one specific thing to help sustain manufacturing jobs before more are lost?

**Hon. Mr. McGuinty:** We're always open to good ideas when it comes to doing what we think is important to strengthen the economy and reduce the impact of the inevitable economic cycles, particularly in an era of globalization, that are going to influence our economy. I just don't believe that the leader of the NDP has a good idea that he has put forward in this regard.

We have worked really hard, not just for the auto sector, with our half-billion-dollar strategy, but as well with advanced manufacturing. The leader of the NDP knows that as well. We've got a \$900-million plan, so far, supporting our forestry sector. We have, I think, close to \$800 million now by way of supports for the agriculture sector. So we're not prepared to simply cross our arms here on this side of the House and quietly preside over the evolution of the economy. We're prepared to put our shoulder against the wheel where it makes sense to do so. We've done that in the auto sector. We've done that in advanced manufacturing. We've done that with agriculture. We're doing that with forestry. Is there more to do? Of course there is, but we're proud to be working together with labour, the management side and the business side to help strengthen our economy.

**Mr. Hampton:** The Premier talks about the forest sector. Yes, your government has made announcement after announcement that might amount to \$900 million, but people who are losing their jobs have seen barely a cent of it. You talk about the agricultural sector. I met with farmers this weekend who say that your habit of



announcing, reannouncing and then reannouncing isn't doing a thing for them. Then let's turn to the auto sector, Premier. The fact of the matter is that you're into the old McGuinty promise game again, that you promise there may be jobs in 2009-10, while good jobs are being lost now.

Tell me, Premier: If you won't create an office of the jobs commissioner, how many more good manufacturing jobs have to be lost in this province before you give up on your photo ops and your TV ads and actually do something specific to help sustain jobs?

1440

**Hon. Mr. McGuinty:** Again, I'm just not nearly as pessimistic as the leader of the NDP is. You'd think that he would have learned from his experience in government and the devastation those particular policies caused to our economy and to job numbers at that time to recognize some modicum of success that we're making together. I think 254,000 net new jobs speak for themselves.

This past summer alone, I was at the opening of the Suncor ethanol plant, the biggest ethanol plant in Canada. We did that in Sarnia. I was there in Oshawa to announce the new Camaro that's going to be built here in Ontario. I was in Cobourg at the announcement of a new GE facility. I was in Kitchener-Waterloo at the RIM facilities, which continue to grow at a remarkable rate. I was in Brampton at the DaimlerChrysler plant, which is expanding. I was in Chatham talking to farmers about their needs. I was in Guelph at Linamar for the announcement of 3,000 new jobs there.

Yes, we are being challenged in the international economy, we will lose some jobs, but we are working very hard. The fact is, we've created 254,000 net new jobs—not a bad record.

#### EDUCATION FUNDING

**Mr. Howard Hampton (Kenora-Rainy River):** The Premier refers to an ethanol plant—an ethanol plant that will use American corn and do nothing for Ontario farmers.

To the Premier: Working families want a high-quality public education for their kids, but in communities across Ontario—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. I'd just remind members that I need to be able to hear the question being put, as all members need to be able to hear the question being put.

Leader of the third party.

**Mr. Hampton:** Premier, working families want a high-quality public education for their kids, but in communities across Ontario, that's becoming more and more difficult under the McGuinty government. You've already axed the school trustees and forced your classroom cuts at the Dufferin-Peel Catholic school board. Now your government's hit men want to close schools, fire educational assistants and axe outdoor education

programs for inner-city kids at the Toronto District School Board. These are the same cuts that the school trustees refused to make in 2003. Back then, you said that they were right to oppose those cuts. Can you tell us, then, why your government would try to impose those same cuts today?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The leader of the NDP is stuck in the Tory government years. We're bringing a different approach, and he just refuses to accept that because it doesn't serve his political interests.

I'll quote from the chairperson of the Toronto District School Board, Sheila Ward, in regard to the particular report that was just prepared. She said, "The report is more than I hoped for and a new standard for the quality of work done for the ministry and boards of education.... Certainly, it stands in stark contrast to the reports generated about the TDSB by the previous government.

"I believe this report gives us a template that will allow us to balance our budget over the next two years without damaging programs and without onerous staff layoffs."

The leader of the NDP may not be prepared to work with the Toronto District School Board to resolve their financial challenge in a way that doesn't compromise the learning environment, but we on this side of the House most certainly are.

**Mr. Hampton:** You admit that your school funding formula is flawed and inadequate, but at the same time, you insist that boards make cuts within that flawed and inadequate school funding formula. As I pointed out, first it was Dufferin-Peel, and now it's going to be students in Toronto.

Here's the report from your government hit men on what cuts should be imposed, and here they are: close outdoor education centres; sell off school properties; close schools; cut lunchroom supervisors; cut educational assistants in JK and SK; cut funding for parenting centres; defer \$40 million in capital maintenance for schools that are already run down.

Premier, those are the recommendations of your hit men. Do you support those recommendations?

**Hon. Mr. McGuinty:** The leader of the NDP insists on besmirching the names of Brian Cain and Joan Green. Let me tell you a little bit by way of their background. Brian Cain is the former finance officer for the Toronto District School Board, and Joan Green is a former director of the Toronto District School Board. Here is what Sheila Ward said regarding them. She said, "In my opinion, Brian Cain and Joan Green deserve the thanks of every student, parent, staff member and trustee of the TDSB for the superb job they have done in the past month."

Again, the leader of the NDP insists on trying to contrive some kind of a fight between the provincial government and the Toronto District School Board. We are not going there. We will continue to work together. We will continue to co-operate and collaborate in the interests of our students.



**Mr. Hampton:** Well, Premier, I'm dealing with specifics. This is what your cuts team has proposed for the Toronto board: closing outdoor education centres, selling off school properties, closing some schools, cutting lunchroom supervisors, cutting educational assistants in JK and SK. Former Liberal candidate Josh Matlow says these are the same cuts proposed now that were proposed under the Conservatives in 2003.

You talk about your report. I recommend that you go to page 46, Premier, where it says, "The Ministry of Education has promised a [funding formula] review process but to date this has not materialized."

Premier, if you're so proud of your government's work in education, why haven't you fixed the funding formula that your own hit men say needs to be reformed, needs to be fixed?

**Hon. Mr. McGuinty:** I know the leader of the NDP knows that we've invested an additional \$2.75 billion in public education, and we're proud to have done so. He also knows we made a number of substantive amendments and positive improvements to the funding formula. I also believe that in his heart of hearts he now understands it is up to the trustees at the Toronto District School Board, now armed with this report, having had that report prepared by people who are familiar with the Toronto District School Board and who are committed to helping them meet their financial challenges in a way that doesn't compromise the learning environment; that he now understands it's important we give the trustees a chance to get their work done. They've got the report. They've got the backing of this government when it comes to ensuring they've got what they need to get the job done. Now it's a matter of us working together and letting them do their job at this point in time.

#### GOVERNMENT ADVERTISING

**Mr. John Tory (Leader of the Opposition):** My question is to the Premier. Premier, we have yet another e-mail, another example of a sick Ontarian who needs timely care and can't get it, another Ontarian for whom the claims of your advertising campaign, financed with millions of taxpayers' dollars, don't match reality. Cindy Halliday was recommended for an MRI on August 10, 2006. She recently found out that she won't get the procedure done until November 21. That's 104 days, four times longer than the benchmark and target that your government set. If Miss Halliday were to call the hotline advertised by your government, the advice that she would get would be to talk to her doctor. That's what she did when the MRI got booked, and she's now waiting much longer than the times published on your website.

The Port Hope Evening Guide says these ads may obey the letter of the law, but the spirit of the law has been shattered. That's what the Port Hope Evening Guide says. The ad is wrong. You can't reduce wait times by calling. Will you reduce the ad and stop this waste of the taxpayers' money and stop misleading people in this way?

**The Speaker (Hon. Michael A. Brown):** I need you to withdraw the last verb.

**Mr. Tory:** Will the Premier withdraw the ads that are factually inaccurate, that are a waste of taxpayers'—

**The Speaker:** I need you to withdraw.

**Mr. Tory:** Will he withdraw the ads that are wasting millions of dollars—

*Interjections.*

**The Speaker:** Order. I asked the member to withdraw.

**Mr. Tory:** Mr. Speaker, I did.

**The Speaker:** I didn't hear it, so if you could just say that, that would be fine.

**Mr. Tory:** I withdrew, Mr. Speaker.

**The Speaker:** Thank you.

Premier?

1450

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I think that the good people of Port Hope would be very aware of two distinctions: firstly, that we are not the party that took away their hospital and, secondly, nor are we a party that's using advertising for the privilege and purpose of spreading our own names around.

What the honourable member seems to be struggling a little bit with is that we are a political party that in the last election took very seriously the commitment to reduce wait times. We campaigned very specifically to the people of Ontario on how we would do that. Subsequent to the election, our Premier, our leader, did work through the Council of the Federation, resulting in a first ministers' meeting in Ottawa in September 2004, which produced an action plan for the whole country that I'm proud that Ontario has been a leader in.

There is more work to do, of course, related to wait times, but there is no doubt, with respect, that in the areas where we've focused tremendous resources, and in others, wait times are coming down. We'll be able to use these strategies to apply them across the broader array of services that were left to, let's say, fester under the previous government.

**Mr. Tory:** I can now realize why Inside Queen's Park says that the self-serving denial of responsibility for anything and everything has become downright tedious coming from the Minister of Health.

Ms. Halliday is the one who has been sick since November 2004. She can't work, and your refusal to take the matter seriously is an insult to her and everybody else who is paying the McGuinty health tax. Over three days now, we've talked about Lori Goldstein, desperately waiting for life-saving surgery; Brenda Bailey, who's got two years, she has been told, to see a doctor; Gary McGregor, whose son-in-law has to wait seven months for an MRI; and Cindy Halliday, who is waiting 104 days for an MRI. In all of these cases, your website, your ads and your hotline are of absolutely no help. The advice that's held out, "Talk to your doctor and all will be fine,"



does nothing to help these people reduce the times they're waiting, and that's the claim made by your ad.

The Belleville Intelligencer says that your defence of these ads is an insult to the voters' intelligence. We agree with that. Will you stop wasting taxpayers' money? Stop insulting the intelligence of voters, withdraw these ads and—

**The Speaker:** The question has been asked. Minister?

**Hon. Mr. Smitherman:** The honourable member talks about getting to work on wait times, but he's got to talk like that because he doesn't want to accept the reality, the reality that is proven scientifically, evidence-based; the reality that is available to every single Ontarian: the investments that we've made, working with the health care sector, to actually be able to measure wait times in the first place—not a capacity that existed while that party was in office. So instead of waiting, we've got on with it.

We've made important investments in the wait time information system. We've moved forward with dramatic investments and changes in process to enhance the efficiency and deliver better and faster surgical outcomes. The reality there for all to see is that tremendous improvement has been made.

We all acknowledge that if we are honest, there is, of course, more to do in health care. We look forward, having built this capacity, to move it forward, across a broader array of services. This is made possible because we took the leadership, because we made the investment, because our Premier stood up for the province of Ontario. Instead, this honourable member stands in his place and he forgets to tell people about his primary commitment on health care: to gore it to the tune of—

**The Speaker:** Thank you. New question.

#### AFFORDABLE HOUSING

**Ms. Cheri DiNovo (Parkdale–High Park):** My question is for the Minister of Municipal Affairs and Housing. In your 2003 election platform, you promised to match federal support to build 20,000 new units of affordable housing. In estimates committee on Wednesday, you admitted that, three years into your mandate, only 1,635 so-called affordable housing units are actually occupied. You also admitted that many of these units are not affordable, with rents, for example, at \$1,060 per month for a two-bedroom, \$1,265 for a three-bedroom.

Minister, we are in a housing crisis. How do you explain to the 122,000 households in this province who have been waiting for affordable housing that this is just another McGuinty broken promise?

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing):** I thank the member very much for her question. As she well knows, the amount of money that we, provincially and federally, have set aside for affordable housing is \$734 million, which was the agreement that was signed with the federal government last April 30, 2005. Since that time, we've put out 5,000 units for housing allowances. Agreements have been

reached with all the various service providers. They've gone out to the landlords in their particular municipalities, and we're aiming to take up those vacant units as quickly as possible.

She is correct. Right now there are only about 1,600 units that are occupied of the new, affordable housing that's being built, but there are at least another 6,000 units either in the planning or building stage.

We are as anxious as she is to see as much affordable housing built for the vulnerable people in our communities.

**Ms. DiNovo:** Meanwhile, there are two homeless deaths per week in the city of Toronto alone. But I'd like to focus on something else, and that is the Wave project. This is another example of so-called McGuinty affordable housing. These affordable housing units start at \$200,000; that's \$1,800 a month. It's clear that these are neither affordable nor real housing for most of our people who are on OW/ODSP or CPP, where their housing limit is about \$400 a month. These hardly meet their needs. When will you solve this housing crisis and keep your promise to provide real, affordable housing in Ontario?

**Hon. Mr. Gerretsen:** I can say that this government has done everything in its power to get the housing projects up and running as quickly as possible. We also want to make sure that those people who are in an emergency situation have some comfort from the government by way of the rent bank money that was put aside—some \$14 million—which has already helped over 6,000 individuals and families.

We as a government believe that housing is a very basic ingredient that everyone is entitled to. Through the various programs that we have there—in the home ownership program, in the affordable housing program, in the rent subsidy program, in the housing allowance programs—we are going to meet the targets that we've set for ourselves. The money that's out there is being utilized to the best ability to make sure that as many people as possible will have the housing that they need and deserve.

#### VIOLENT CRIME

**Mr. Mario Sergio (York West):** My question is for the Minister of Community Safety and Correctional Services. Over the past year, we have heard a number of reports and claims of increased gun violence right here in Toronto.

Gangs and gun violence are a serious concern for the people of my community of York West. Communities can't solve this problem on their own, and they need a system to ensure that community leaders, groups and local police services are working together to combat crime as a joint effort. Police service should have all the tools available to assist them in this challenge to eliminate gun violence.

I know our government is committed to ensuring safety for the people of Ontario and doing everything it can to get guns off our streets. Minister, can you tell me



what the government is doing to be tough on crime and to reduce the causes of crime?

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** I thank the member for the question. There is no place in Ontario for those who choose a lifestyle of guns and gangs, and we're doing whatever we can to make sure they can't function. We've dedicated 109 officers out of our 1,000 officers to guns and gangs. We've set up a \$30-million fund that will allow youth to get into other activities that will divert them from guns and gangs. We have done things that have shown results. To give some examples, homicides are down 10% in Toronto, year over year; gun-related homicides are down over 40%, year over year; and we've just announced that we're going to put \$2 million into a program with the Toronto Police Service to put surveillance cameras into two areas of the city that will be there to monitor what is happening and give those police officers the tools they need to bring these perpetrators to justice.

This is something that I think is a very positive sign. It's something that will, in fact, continue what we are doing, and that is ridding the streets—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mr. Sergio:** Minister, thank you very much for the good news, not only for the Toronto Police Service but also for the people of York West.

Today's announcement demonstrates how the McGuinty government is working together with police services—and in this case specifically the Toronto Police Service—to enhance their efforts to get tough on gun violence in our communities.

1500

However, Minister, some of my constituents have raised concerns about privacy rights and that these closed-circuit cameras, aimed at combating guns and violent crimes, will actually violate privacy rights.

Can you tell me, Minister, how we will ensure that privacy rights will not be violated as we work together with the Toronto Police Service in providing this new tool in an effort to make Ontario a safer place?

**Hon. Mr. Kwinter:** We are very concerned about privacy rights, and I can assure you that this initiative will comply with the guidelines of the Ontario Information and Privacy Commissioner. The Toronto Police Service has consulted with the Information and Privacy Commissioner and understands what is required.

There will be signs posted in the areas where these cameras will be deployed; not only that, but the police service has undertaken to have public sessions in which to alert the communities in November. The actual implementation of this program will not take place until April.

I should also say, in closing, that this initiative has been tried in other jurisdictions. They have had outstanding results, and I'm confident that we will have the same results not only here in Toronto but in other areas of Ontario when they, in fact, get implemented.

## EMERGENCY SERVICES

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):**

My question is for the Minister of Health. Minister, as casualties of your lack of leadership mount and over 20 ERs find themselves in crisis, I raise the issue of one more.

St. Francis Memorial Hospital, in my home town of Barry's Bay, may be forced to close its ER because you would rather write letters to the editor, such as the one today in the Pembroke Observer, spreading propaganda instead of finding real solutions to the ER mess created under your leadership.

Minister, when are you going to stop writing letters, roll up your sleeves and find some real solutions to the ER problem in this province? It is affecting over 20 hospitals, including my hometown of Barry's Bay, St. Francis Memorial Hospital, which might be forced to close under your leadership.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** Firstly, with respect to the emergency room issue, which is indeed a very serious one, I'm happy to report to the House that we've been working very vigorously, between the Ontario Medical Association, our government and the venue of the physician services committee, to be able to establish some good progress on this. It's a challenging one, for all the reasons that we know.

In answer to the direct question from the honourable member about letters to the editor in the Pembroke Observer, any time a privatizing ally like the friend of the honourable member's writes a story in the Pembroke Observer that's advancing the idea that more private delivery and two-tier health care is the answer to health care, I will write a letter in response.

I know the honourable member sits and stands in a party alongside his leader, who is in favour of a \$2.5-billion cut to health care, in favour of two-tier medicine and also in favour of advancing private delivery. This is not our model for health care.

On behalf of the people of the province of Ontario, I'll proudly stand in defence of medicare on any day, as required.

**Mr. Yakabuski:** Well, Minister, instead of an answer, we get more propaganda. Barry's Bay is largely a tourist-based economy, particularly in the summertime.

I spoke to the chief of staff at St. Francis Memorial Hospital, Dr. Denise Coulas, and she doubts, under the current circumstances, whether that ER will be open next summer. What is that going to do to the economy of Barry's Bay and the Madawaska Valley if tourists know there's not an operating ER in that hospital?

Minister, when will you stop with your \$31-million propaganda campaign, partisan propaganda that flies in the face of the facts? I say, shut down that ad campaign and do something about the mess in the hospitals, or the only ad you're going to be running is, "Liberals ruin health care. Apply within. Help wanted." That's the ad



you're going to need, Minister, because you've made a mess of it and you're not addressing it.

Stop with the propaganda. Fix the problem you've created.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order.

**Hon. Mr. Smitherman:** The honourable member indicates in this House that he can't even make up a number with any credibility. You know, the circumstance for the honourable member is that he responds with a word like "rhetoric" to an answer I gave about the mechanism we're working with.

Here's what I will offer to the people of Pembroke. They have lost any sense of optimism. This party opposite reflects no positive view of the province of Ontario. It will not come to terms with its own history, which is well known to the people of the province. What we know is that the people of Pembroke are smart people. What I offer to them is the evidence of a government that's working deliberately, very aggressively, to fix a problem that is long-standing in our health care system. We have more work to do, but I bring a lot more optimism to my work and offer to the people of Pembroke every expectation and every assurance on the part of this government that their emergency room will remain open next summer. We will not stand any longer working against honourable members who'd rather cheer for defeat from the sideline.

#### WORKERS' COMPENSATION

**Mr. Howard Hampton (Kenora–Rainy River):** To the Premier: Six months ago, I asked you about the plight of 160 seriously ill workers who became ill after working at the air emissions project at the Weyerhaeuser pulp mill in Dryden. Between 2002 and 2004, these workers were repeatedly exposed to a plume of chemicals, including mercury, manganese, hydrochloric acid, ammonia, chlorine and arsenic. As a result, these workers became, and continue to be, seriously ill. Many have suffered neurological damage, damaging their motor skills such that they can't work. Some are completely disabled and can't work. Some of these very sick workers have now died.

But my question is this, Premier: Why, in the fourth year of the McGuinty government, are these seriously injured workers still waiting for compensation and help from the Workplace Safety and Insurance Board?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The Minister of Labour.

**Hon. Steve Peters (Minister of Labour):** I thank the member for the question. The issue of our commitment to health and safety is unprecedented in this province. When we took office, we saw a substantial number of inspector positions that were vacant. We moved forward in hiring an additional 200 inspectors in this province. As well, we've implemented a permanent system to develop occupational exposure limits for hazardous substances in workplaces. This approach means that the limits are up-

dated annually. Before that system was put in place, occupational exposure levels had not been updated in 15 years.

As well, in 2006, we embarked on an additional consultation to review the changes in limits of 27 additional substances, including new limits—revised OELs—for 25 substances. I'd be very happy in my supplementary and following question period today to speak with the honourable member, and we can talk in detail on that specific issue.

**Mr. Hampton:** I raised this issue six months ago. This is what you said six months ago: "Our government is committed to working with workers to see that they are treated fairly and ensure that they are compensated fairly." It's six months later; some more of these workers have died. It's been four years for these workers. For four years, they've been repeatedly referred to medical specialists, neurologists and neuropsychologists, who all confirm that this illness was sustained as a result of the inhalation of toxic chemicals at the work site. But four years later, they have not received justice, nor have they received any compensation.

Tell me, what has the McGuinty government been doing for four years while these injured workers have been suffering? They certainly haven't been compensated. They certainly haven't been fairly treated, as you promised six months ago.

**Hon. Mr. Peters:** I thank the member again for the question. As I said earlier, our commitment to health and safety is unprecedented in this province, and I'd gladly put our record up against the honourable member's record in his term in government any time. As well, we've worked very closely with the WSIB. We have undertaken a comprehensive audit of what has been taking place at the WSIB, and most of those initiatives have been put in place.

As I said earlier in the initial question, we take the issue of health and safety and the protection of our workers extremely seriously within this government. Again, as was pointed out last week in this House, if the honourable member would have picked up the phone and called me in advance, I would certainly have been very happy to have met with him directly. He chose not to do that, but I am prepared to sit down and work with the honourable member to look into this issue in further detail.

1510

#### RENEWABLE FUELS

**Mr. Bruce Crozier (Essex):** My question today is for the Honourable Minister of Energy. Ontario's energy sector is going through a lot of changes, as we know. After years of neglect, we're starting to build again. We have new gas plants and wind farms all across this province, and we're making the necessary upgrades in our transmission to ensure system reliability. Not only are we doing that, Minister; we're also investing and creating a culture of conservation, because we know that it's cheaper to save a megawatt than produce a megawatt.



However, unlike my friend the member from Kenora—Rainy River, we know that Ontario cannot run on conservation alone. We need generation, but we have to start to be smart about what we build. We have to make sure that it's efficient.

Earlier today, the Ontario Power Authority announced seven cogeneration—

**The Speaker (Hon. Michael A. Brown):** Thank you. The question has been asked. Minister?

**Hon. Dwight Duncan (Minister of Energy):** I heard the member talk about the seven new cogeneration projects that were announced this morning, and one of them is in his riding. It's called the Great Northern Tri-Gen facility in Essex. Congratulations to that company on their bid.

The opposition want to laugh, but 414 new megawatts of clean, renewable power have come on stream today in Ontario, something that should have happened 10 years ago and didn't, including these: high energy efficiency combined with heat and power projects. We did so because this is an opportunity to help industry cut their electricity and heating bills. Indeed, there's good news right across the province: in Niagara, in Sault Ste. Marie and in my hometown of Windsor.

This kind of project should have been undertaken by the New Democrats when they were in power. It's a shame that they're laughing at this today in their seats, because this is the future. This government—

**The Speaker:** Thank you. Supplementary?

**Mr. Crozier:** We're certainly going to talk about this across my riding, because the greenhouse growers in the riding of Essex and that of Chatham—Kent—Essex are very anxious to start these cogeneration projects. The one today will be an investment of \$3 million to \$4 million, it will create jobs and it will help us in the Essex area with energy that we need.

It's important to work with our industry and help them find innovative ways of cost cutting, such as cogeneration. There is a clear benefit to industries' investing in cogeneration, as they save on their heating and electricity bills. But before industry can enjoy the benefit of cogeneration, they must first make their establishment cogeneration-capable, which means that capital and labour investments need to be made, something that the member from Kenora—Rainy River would know nothing about.

Minister, what do projects announced today mean for—

**The Speaker:** The question has been asked.

**Hon. Mr. Duncan:** These seven projects represent a total investment of \$800 million. Now, the New Democrats laugh at that, just like they laughed in the 1990s, when they were shutting down conservation initiatives and energy-efficiency projects. Earlier today, the member from Kenora—Rainy River talked about the need for jobs. This creates jobs, and it helps produce a cleaner economy. It produces jobs in Sault Ste. Marie, London, Thorold, Windsor, Durham and Markham. Companies are investing in making their facilities more efficient, an

investment which will not only benefit the facilities themselves but indeed the local economy.

This is good news. The member for Essex, as do his colleagues, wherever these announcements happen, deserves credit for supporting energy efficiency. We invite the third party to put aside the rhetoric and support positive economic and green policy—

**The Speaker:** New question.

## GOVERNMENT ADVERTISING

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. Earlier on, the Minister of Health said that you, meaning the McGuinty Liberals, are not the people using advertising to spread your own faces around. That brings us to the brochure emblazoned with the government logo—which I assume means that it's paid for, at least in part, with taxpayers' money—on the symposium on character development that you spoke to today. We have no issue with the symposium itself; we may have some questions on that later. But when we turn to page 1 of the brochure, what do we see here, I'm sure, but none other than a picture of the Premier of Ontario, Dalton McGuinty. Then we go to page 2, and whose picture do we see there but the Minister of Education's. But it gets better. We then go to page 3, and we actually have a quote from the platform of the Liberal Party from the 2003 election.

I want to ask the Premier this question: Will you have the Liberal Party of Ontario repay this money to the taxpayers of Ontario? Will you apologize for this scandalous waste of taxpayers' money—

**The Speaker (Hon. Michael A. Brown):** Premier?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** That was an interesting and exciting display, but I think the facts, as usual, remain important. The leader of the official opposition will know that there was a pamphlet distributed to people who attended the symposium, there was a greeting letter there from me and there was a greeting letter there from the Minister of Education. I think that is appropriate. What I found to be inappropriate, and what was rejected by the people of Ontario, were the pamphlets that rained down across Ontario on every single door, every single family and every single household. The people of Ontario said that was unacceptable. I'm sure the leader of the official opposition is not saying that somehow we shouldn't have a letter receiving and welcoming people to a symposium.

**Mr. Tory:** What I think we are entitled to know is whether there was any taxpayers' money involved in these pictures and these messages. It was your law that you passed—this is the same old story; it's "say one thing and do another"—that said that an image of a member of the Legislative Assembly or executive council cannot be used. How do you explain the fact that you've got in this very same brochure, paid for with taxpayers' money, a quote from the platform of the Liberal Party?

Premier, you owe the taxpayers an apology for this, and you owe it to the taxpayers to have their money



repaid by the Liberal Party of Ontario. You should withdraw these kinds of ads that you are wasting taxpayers' money on to put forward your propaganda. Pay for it yourself. Spend the taxpayers' money on nurses, doctors, farmers and autistic children. Stop this stuff.

**Hon. Mr. McGuinty:** It's an exciting display and a pretty good performance, but it just doesn't have much bearing on reality. Again, we're talking here about a pamphlet that was distributed to 600 or 700 attendees at a particular symposium.

I have a variety of pamphlets here: the Ontario SuperBuild progress report; education and learning for life; the health report to taxpayers; the Ontario report to taxpayers; the report on jobs and the economy; the Ontario report on education. Each and every one of these was delivered to Ontario households. Each and every one of them contains, at a minimum, a picture of the Premier of the day, particularly Premier Harris.

The leader of the official opposition may not recognize the difference between advertising put forward by the Conservative Party and a greeting letter sent to 600 people attending a symposium—

**The Speaker:** Thank you. New question?

1520

## CANCER TREATMENT

**Ms. Shelley Martel (Nickel Belt):** I have a question to the Minister of Health. On February 28 and again on April 11, I asked when your government was going to deliver on your election promise to establish a province-wide colorectal screening program. On both of those occasions you said that this matter was a priority. On April 11 you even said, "I accordingly look forward to the opportunity to participate with her in announcements soon."

Minister, that was six months ago. Where is the promised screening program for colorectal cancer?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** It's a matter that is under current active policy development. In fact, I have a briefing on it this afternoon. I'm working very, very hard to ensure that the model we develop is one that appropriately engages our primary care physicians. I'll be direct to the honourable member in saying that I felt the model that was presented to me was operating at too high a level, in the sense that it didn't have the engagement of primary care physicians in the method with respect to getting the highest degree of testing possible for target audiences. We're working to redefine that element of the program. So "soon" is still the appropriate word. As I said, I'm working on it even as we speak.

**Ms. Martel:** "Soon" was six months ago, and there's still no evidence of a screening program in the province of Ontario. I want to remind the minister that colorectal cancer is the second-leading cause of cancer in Ontario. There were 3,000 Ontarians who died from it last year. But this cancer, if detected early through screening, is 90% treatable.

Peter Goodhand, the CEO for the Ontario division of the Canadian Cancer Society, said it best when he said, "The sooner the government gets moving on this, the more lives will be saved." I agree.

I ask the minister again, because it was he who said on April 11 to expect an announcement soon: Six months later, when will you make good on your election promise to develop this screening program?

**Hon. Mr. Smitherman:** As the honourable member herself has indicated by the nature of the question, having an appropriate screening model is important to be able to take advantage of the detection that it presents. What I say to her very directly is that the model that came forward for my consideration, in my view, did not meet the necessity of having primary care physicians appropriately involved in it. I regret that this has caused more time, but I do think the honourable member would agree that if we're going to make a rollout, an investment which will be tens of millions of dollars a year, it's crucial that we do it in a fashion that is not going to be about a nice announceable but rather about a program that really does hit the marks appropriately.

I acknowledge that this is taking some time. It's time that is necessary to get it right. I can commit to the honourable member that I'm moving this forward as a priority.

## ONTARIO PUBLIC LIBRARY WEEK

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** My question to the Minister of Culture. Barbara Tuchman once said, "Books are the carriers of civilization. Without books, history is silent, literature dumb, science crippled, thought and speculation at a standstill." I couldn't agree more. Books are the DNA of society. The stories and wisdom of our ancestors are imprinted upon their pages. They open up their readers to a better understanding of who we are on every level. The knowledge gained through reading benefits us in navigating our complicated world. For many, libraries are the easiest places to access books. I believe it was Socrates who once referred to libraries as "the delivery room for the birth of ideas—places where history comes to life."

Minister, this government has time and time again shown its support to libraries and an understanding of the essential services they provide to the people of Ontario. Can you tell us how we are celebrating Ontario Public Library Week and promoting libraries this year?

**Hon. Caroline Di Cocco (Minister of Culture):** I'd like to thank the honourable member for the question. As a former educator, I know he understands and values libraries in this province. The theme of this year's celebration is "Libraries: the World at Your Fingertips." I encourage all Ontarians to celebrate our world-class libraries, to go and thank dedicated staff and volunteers at their local libraries. This is exactly what we did at this morning's event in Hamilton.

I'm proud of the support our government is providing our libraries. Every year, we invest more than \$28 mil-



lion in 1,100 public and First Nation libraries across Ontario, of which \$450,000 flowed into this honourable member's riding. We augmented the province-wide funding with an additional \$15 million this year. As part of that investment, \$8 million was allocated to support Knowledge Ontario. I'm very proud of this record.

## PETITIONS

### WATER QUALITY

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** "To the Legislative Assembly of Ontario:

"Whereas every Ontarian wants the best water quality possible; and

"Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

"Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

"Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

"Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

"Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place."

I support this petition and I affix my name to it.

### IDENTITY THEFT

**Mr. Tony Ruprecht (Davenport):** I keep receiving petitions from Consumer Federation Canada, and this one reads as follows:

"To the Parliament of Ontario and the Minister of Government Services:

"Whereas identity theft is the fastest-growing crime in North America;

"Whereas confidential and private information is being stolen on a regular basis, affecting literally thousands of people;

"Whereas the cost of this crime exceeds billions of dollars;

"Whereas countless hours are wasted to restore one's good credit rating;

"Therefore we, the undersigned, demand that Bill 38, which passed unanimously on November 30, 2005, be brought before committee and that the following issues be included for consideration and debate:

"(1) All consumer reports should be provided in a truncated (masked-out) form, protecting our vital private information, such as SIN and loan account numbers.

"(2) Should a consumer reporting agency discover that there has been an unlawful disclosure of consumer information, the agency should immediately inform the affected consumer.

"(3) The consumer reporting agency shall only report credit-inquiry records resulting from actual applications for credit or increase of credit, except in a report given to the consumer.

"(4) The consumer reporting agency shall investigate disputed information within 30 days and correct, supplement or automatically delete any information found unconfirmed, incomplete or inaccurate."

I agree with this petition 100% and therefore I'm delighted to sign it.

### HIGHWAY 417

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** "To the Legislative Assembly of Ontario:

"Highway 417 Four-Laning.

"Whereas modern highways are the economic lifelines to communities across Ontario and crucial to the growth of Ontario's economy; and

"Whereas the Ministry of Transportation has been dealing with the planning and design of the extension of Highway 417 for several years; and

"Whereas the previous Conservative government followed through with their commitment to extend Highway 417 to Arnprior; and

"Whereas Highway 417/17 is part of the Trans-Canada Highway system; and

"Whereas local municipal governments, the county of Renfrew and MPP John Yakabuski have continued to press the Liberal government on this issue;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Liberal government move as swiftly as possible to approve the extension of Highway 417 through Arnprior to Renfrew and beyond and that this be included in their next five-year plan."

It's signed by many people from the riding of Renfrew–Nipissing–Pembroke, and I give it to page Breanna.

### MUNICIPAL RESTRUCTURING

#### RESTRUCTURATION MUNICIPALE

**Ms. Shelley Martel (Nickel Belt):** I have a petition that has been signed by 52 residents of the city of Greater Sudbury. It has been sent to me by Claude Berthiaume, who is the ward 2 councillor for the city of Greater Sudbury. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the citizens of the city of Greater Sudbury believe they are overtaxed and underserved and feel like second-class citizens;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"Direct the city of Greater Sudbury council to hold a referendum. The purpose of this referendum would be to obtain the citizens' opinion as to whether they prefer to maintain the city's new structure or return to the previous regional municipality structure."

1530

« À l'Assemblée législative de l'Ontario :

« Alors que les citoyens de la ville du Grand Sudbury croient qu'ils payent trop de taxes, voient une diminution dans les services et ressentent que leur voix ne compte pas;

« Nous, les soussignés, pétitionnons l'Assemblée législative de l'Ontario comme suit :

« Exiger que le conseil de la ville du Grand Sudbury tienne un référendum. Le but de ce référendum est de connaître l'opinion des citoyens : savoir s'ils préfèrent conserver la présente structure de la ville ou de retourner à l'ancienne structure de la municipalité régionale. »

I agree with the petitioners and I've affixed my signature to this.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Bob Delaney (Mississauga West):** I have a petition in support of skilled immigrants addressed to the Legislative Assembly of Ontario. It reads as follows:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

There are a number of signatories from within my riding of Mississauga West, particularly from Colonial Drive and the Collegeway. I thank them for their signatures. I'll ask page Lindsay to carry the petition, which I will now sign.

#### MACULAR DEGENERATION

**Mr. Garfield Dunlop (Simcoe North):** I'd like to read into the record the petition on macular degeneration. I'd like to particularly thank Dr. Tim Hillson, an ophthalmologist in the city of Orillia, who has helped draft this.

"To the Legislative Assembly of Ontario:

"Whereas age-related macular degeneration (AMD) is the leading cause of blindness in the elderly and is present in some form in 25% to 33% of seniors over the age of 75. AMD has two forms: the more common 'dry' type and the 'wet' type. Although the wet type occurs in only 15% of AMD patients, these patients account for 90% of the legal blindness that occurs with AMD. The wet type is further subdivided into classic and occult subtypes, based on the appearance of the AMD on special testing. Photodynamic therapy, a treatment where abnormal blood vessels are closed with a laser-activated chemical, has been shown to slow the progression of vision loss in both subtypes of wet AMD;

"Whereas OHIP has not extended coverage for photodynamic therapy to the occult subtype of wet AMD, despite there being substantial clinical evidence demonstrating the effectiveness of this treatment in patients with either form of wet AMD. Untreated, these patients can expect a progression in their visual loss, with central blindness as the end result;

"Whereas affected patients are in a position where a proven treatment is available to help preserve their vision, but this treatment can only be accessed at their own personal expense. Treatment costs are between \$12,500 and \$18,000 over an 18-month period. Many patients resign themselves to a continued worsening of their vision, as for them the treatment is financially unattainable. The resultant blindness in these patients manifests itself as costs to society in other forms, such as an increased need for home care, missed time from work for family members providing care, and an increased rate of injuries such as hip fractures that can be directly attributable to their poor vision.

"We, the undersigned, petition the Legislative Assembly of Ontario to fund the treatment of the occult subtype of macular degeneration with photodynamic therapy for all patients awaiting this service."

I am pleased to sign my name to this.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Tony Ruprecht (Davenport):** This petition is in support of Bill 124, and that is skilled immigrants. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and



"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

I'm delighted to sign this petition because I agree with this 100%.

#### LANDFILL

**Mr. Norman W. Sterling (Lanark–Carleton):** I have a petition to the Legislative Assembly of Ontario:

"Whereas there is currently a proposal to more than double the size of the Carp landfill in west Ottawa; and

"Whereas this site has been in operation for some 30 years and had been expected to close in 2010; and

"Whereas the surrounding community has grown rapidly for the past 10 years and is continuing to grow; and

"Whereas other options to an expanded landfill have yet to be considered; and

"Whereas the municipal councillors representing this area—Eli El-Chantiry, Janet Stavinga and Peggy Feltmate—and the MPP, Norm Sterling, all oppose this expansion;

"We, the undersigned, support our local representatives and petition the Legislative Assembly of Ontario to ensure the Minister of the Environment does not approve the expansion of the Carp landfill and instead finds other waste management alternatives."

I have signed that.

#### HIGHWAY 417

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** "To the Legislative Assembly of Ontario"—I'm just getting my glasses here. The writing's a little small on this one.

"Whereas modern highways are the economic lifelines to communities across Ontario and crucial to the growth of Ontario's economy; and

"Whereas the Ministry of Transportation has been dealing with the planning and design of the extension of Highway 417 for several years; and

"Whereas the previous Conservative government followed through with their commitment to extend Highway 417 to Arnprior; and

"Whereas Highway 417/17 is part of the Trans-Canada Highway system; and

"Whereas local municipal governments, the county of Renfrew and MPP John Yakabuski have continued to press the Liberal government on this issue;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Liberal government move as swiftly as possible to approve the extension of Highway 417 through Arnprior to Renfrew and beyond and that this be included in their next five-year plan."

Of course, I support this petition. I affix my name to it and send it down to the table with Lindsay.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Kevin Daniel Flynn (Oakville):** I have a petition in support of skilled immigrants.

"To the Legislative Assembly of Ontario:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

#### WATER QUALITY

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** "Amend the Clean Water Act.

"To the Legislative Assembly of Ontario:

"Whereas every Ontarian wants the best water quality possible; and

"Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

"Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

"Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

"Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

"Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place."

I'm pleased to sign this and hand it over to Max.

1540

### ELECTRICITY SUPPLY

**Mr. Norm Miller (Parry Sound–Muskoka):** I have a petition to do with hydro reliability in the region of Parry Sound–Muskoka. It reads:

"To the Legislative Assembly of Ontario:

"Whereas Hydro One Networks Inc. provides hydro to many communities in the region of Parry Sound–Muskoka; and

"Whereas there have recently been several lengthy power outages in this region affecting both private residences, schools and businesses; and

"Whereas rural customers pay among the highest distribution and delivery charges for electricity;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Energy and the Ontario Energy Board require Hydro One Networks Inc. to make improvements in line maintenance and forestry management in the region of Parry Sound–Muskoka to ensure reliable energy for its customers."

I support this petition.

### ORDERS OF THE DAY

#### INDEPENDENT POLICE REVIEW ACT, 2006

#### LOI DE 2006 SUR L'EXAMEN INDÉPENDANT DE LA POLICE

Mr. Bryant moved second reading of the following bill:

Bill 103, An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act / Projet de loi 103, Loi visant à créer le poste de directeur indépendant d'examen de la police et à créer une nouvelle procédure de traitement des plaintes du public en modifiant la Loi sur les services policiers.

**The Deputy Speaker (Mr. Bruce Crozier):** Minister Bryant, the floor is yours.

**Hon. Michael Bryant (Attorney General):** I am very pleased to share my time with the great member from Willowdale.

I rise in the House today to open second reading debate on the Independent Police Review Act, 2006. The government introduced this legislation last spring. This bill, if passed, would entrench an independent and transparent police review system in Ontario.

The McGuinty government is committed to establishing a police complaint system that has the confidence and the respect of both the public and the police. Our proposed legislation would do just that. The Independent Police Review Act, 2006, would, if passed, provide the public with a significant new option when filing police complaints. It would ensure that there is no interference with the good work done by Ontario's police services in keeping our communities safe. The proposed legislation would implement recommendations made in the LeSage report.

I'd remind members of this House that the LeSage report that I'm referring to is the result of extensive work on this matter by the Honourable Patrick LeSage, the former Chief Justice of the Superior Court of Ontario and former chief prosecutor of Ontario. We are very grateful for the masterwork that is the LeSage report and to His Honour for his detailed and insightful review.

Former Chief Justice LeSage indicated that improvements could be made, and this bill seeks to enact those improvements. Mr. LeSage noted that while independence is critical to foster trust and respect for the system, he was not convinced that a system totally removed from the police is in the interests of the community or the police in Ontario. And we agree.

Ontarians have enormous confidence in their police services. According to a 2003 Statistics Canada study that was cited in Justice LeSage's report, more than 80% of the Canadian public say they have confidence in our police. We feel our proposed approach is a balanced one that would help maintain public confidence in our police services.

Mr. LeSage's recommendations included establishing a new, independent civilian body to administer the police review system in Ontario, and we propose to do that in this bill. The independent civilian body, led by an independent police review director, would be responsible for receiving complaints and then determining, on a case-by-case basis, who would investigate the complaint: the independent civilian body itself, the police service affected or another police service.

In addition to the independent police review director's duties, under the bill the director would have the ability to examine and review systemic complaints. He or she would be able to make recommendations on these issues to the Minister of Community Safety and Correctional Services, the Attorney General, chiefs of police boards or any other person or group. Performance audits of the administration of public complaints would also be carried out by the independent police review director. The director would be required to provide the public with accessible information and assistance regarding the police complaints process so that the system would run sensibly and efficiently for all concerned.

This bill would also make it easier to handle complaints best dealt with outside the police complaints system. The director would not necessarily handle a complaint if it could be better dealt with under another act or another law. This would ensure that the public's complaints are dealt with in the most appropriate matter.



In developing this legislation, we didn't want to prevent the public from bringing complaints directly to their local police services, so this legislation would still allow members of the public to deal directly with their local police service if that is what they wish.

Through this proposed legislation, we are offering the public an option when bringing forward their concerns. Police services boards would still be able to establish their own guidelines for dealing with public complaints if a complaint was made directly to the police service. However, any guidelines would have to be consistent with guidelines established by the independent police review director or by regulation.

Third party complaints would be allowed if they met certain legislative criteria. However, third party complaints would only be considered if they met those criteria. If the independent civilian body deemed that a complaint was frivolous or made in bad faith, then that complaint would be rejected; more on that in a moment.

If the new body was to decide that a complaint was valid and an investigation warranted, it would be investigated. Following an investigation, the matter could be referred for a hearing if there were reasonable grounds to believe there was misconduct or unsatisfactory work performance; if not, it could be decided that no further action be taken.

Complaints could also be resolved informally at any time under the system being set up by this legislation. The proposed legislation would allow us to design an informal resolution process as part of the operational development phase of the legislation's implementation.

Former Chief Justice LeSage made a number of observations in his report; one of them was that there needed to be some flexibility within regions to handle complaints in a certain way, at the same time recognizing that there had to be universal standards in place. There also needed to be some flexibility to deal with complaints in different ways, depending on the circumstances. It is in the name of that flexibility that we have accepted that recommendation and implemented that with the bill that is before us. We're proposing amendments to the Police Services Act solely to implement Mr. LeSage's recommendations. This is a distinct and discrete part of the act dealing with this matter. It is not a general review of the Police Services Act in any way, shape or form.

Les Ontariens et Ontariennes veulent un système de plaintes contre la police qui soit solide et juste aussi bien pour la police que pour la population.

The goal here is to foster even greater confidence in the provision of police services across the province. The system would generally eliminate the need for costly and very time-consuming appeals to the Divisional Court. However, judicial review, of course, would always be available. The government is simply proposing a more streamlined appeals approach that would offer finality to parties sooner. This is consistent with broader efforts to reduce duplicative and repetitive steps and encourage tribunal excellence in other areas of administrative justice.

The proposed legislation would provide the independent civilian body with search and seizure powers. These proposed powers are consistent with search and seizure powers given to other regulatory bodies in Ontario, including those that govern security guards and lawyers. These powers are proposed for the simple reason that investigative bodies need investigative powers in order to be effective and, equally importantly, Mr. LeSage recognized this fact in his report.

For the benefit of members of this House, I'd like to address an issue that has been raised since the introduction of the legislation. As I'll talk about in a moment, there was very significant consultation. Concern has been raised about the potential for individuals to make frivolous or vexatious complaints against police officers, and I don't know of anybody who believes that frivolous and vexatious complaints are in the public interest. They're not.

1550

The vast majority of Ontarians want an atmosphere where citizens can bring legitimate complaints about the police force so they can be addressed in a fair and efficient manner. I emphasize "legitimate" complaints. If passed, Bill 103 would allow the independent police review director to deal with all complaints that are deemed to be frivolous or vexatious or made in bad faith. This would ensure that such complaints were rejected at an early stage and not allowed to proceed, not allowed to be a part of the system, not allowed to slow down the system, not allowed to get in the way of the system dealing with legitimate complaints. We believe that the proposed legislation helps strike the right balance between upholding citizens' rights to make complaints and ensuring that police officers are not, in fact, interfered with in their day-to-day activities.

This was an important issue that involved careful review. Mr. LeSage took on a very difficult assignment and brought his judgment to bear on this important issue. In addition to reviewing written submissions from the public and holding three public meetings, His Honour travelled extensively across the province of Ontario to meet personally with over 200 individuals from 85 groups representing the police and the general public. In addition to that consultative work, we in the government also met with a number of key stakeholders, citizens' groups, including police associations, chiefs of police and numerous community groups. I'm not going to list every one of them, other than to say thank you to all of them for taking the time to provide their experience and insight on this issue.

We wanted to take the time to ensure that we introduced the right solution for Ontario, and I submit to this House that this proposed legislation does just that. I would encourage all members of the House to support Bill 103 so that Ontarians can benefit from an important new option in dealing with police complaints.

As I said at the outset, I'm sharing my time with the great member from Willowdale.

**Mr. David Zimmer (Willowdale):** I want to speak briefly to four points—just a little bit about the history of



this legislation, a few comments about the differences that will be found in the new legislation compared with the existing legislation, a comment about frivolous and vexatious claims and the issues surrounding that, and I want to say something about the extent of the consultations that our government has undergone.

In 1981, just by way of history, an independent civilian complaints commissioner was established in 1981 in Toronto on a trial basis. That was one of the first in the country. Nine years later, 1990, the newly named police complaints commissioner system was extended to the whole of the province; that is, it moved from the city to the whole of the province. In 1997, the police complaints commissioner was dismantled and the current complaints model was introduced.

That then takes us up to June 2004, when the McGuinty government appointed Justice LeSage to review the system. He did an extensive consultation with stakeholders throughout the province from all perspectives and walks of life, and he presented his report in April 2005. The report contained 27 recommendations, including a recommendation that a new independent civilian body be created to administer the police complaint system in Ontario. The rest of his recommendations touched upon all areas of the system, including access to the system, informal resolution, investigation, hearings and appeals, audits and, of course, appropriate funding for the system. The system that we're proposing now is based on the LeSage report.

A number of people have asked how the proposed legislation is different from what's currently in place. The most significant difference is increased civilian oversight at the various critical stages of the police complaints process. Under the current system, police are responsible for the intake, investigation and adjudication of complaints. Civilian oversight in relation to complaints is facilitated primarily by the Ontario Civilian Commission on Police Services. The commission has a role in hearing appeals of decisions that have been made by the police. It's generally an appellate role, and one that is engaged only after a decision has been made.

Under Bill 103, an independent police review director would provide independent civilian review at three important stages. First, the director would be responsible for the intake and initial screening of all public complaints about the police. The director would be able to weed out frivolous or unjustified complaints to ensure that police are not bogged down by those frivolous and bad-faith complaints. The legislation would still allow the public to complain directly to the local police if they choose to do so. The local police service boards would be able to establish their own guidelines for dealing with public complaints if a complaint was made directly to the police service board. However, any guidelines would have to be consistent with the broader guidelines established by the independent police review director or by the regulations.

The second layer of civil oversight comes into play if a complaint were to be deemed justified. What happens then is that the director would be able to decide who is

going to investigate that complaint. In some cases, where appropriate, the independent police review director would conduct his or her own investigation. The legislation would also give the director the ability to refer matters to the subject police service or to another police service for investigation.

Lastly, an investigation, be it by the director or a police service board, the chief of police would make a decision about whether or not to pursue disciplinary action where he or she believed the complaint was substantiated. The director would also be able to review those decisions if the complainant requested it. Complaints could also be resolved informally at any time by the parties. Members of the public would also have the option of withdrawing a complaint at any time.

As with other complaints, the independent police review director would be able to receive complaints about chiefs themselves and screen them. The proposed legislation would provide an extra level of screening in the process where frivolous complaints could be weeded out by the director. Complaints about chiefs would be forwarded to the respective police services boards to determine whether or not an investigation is necessary. This is consistent with the existing system and with the very important role of police service boards in Ontario's system of civil civilian oversight. If a board were to determine it necessary, the director would ensure that complaints about a chief of police were investigated and reported on. This process will ensure significant civilian oversight for complaints about chiefs and ensure that it is consistent with the LeSage recommendations. Public complaints about the conduct of the commissioner or a deputy commissioner of the Ontario Provincial Police would be dealt with by the Minister of Community Safety and Correctional Services as he or she saw fit. There would be no appeal from his or her decision in the matter.

Bill 103 would also make it easier to handle complaints best dealt with outside the police complaints system. If a complaint could best be dealt with under another act or law by bodies like the criminal or civil court, the director would not be required to deal with it, but could refer it directly to the appropriate body for resolution.

The Attorney General has also talked about the issue of frivolous complaints, but just let me add that the vast majority of Ontarians in fact want a system where citizens can bring forward legitimate and worthwhile meaningful concerns about the police so they can be addressed in a fair and efficient manner. I want to emphasize that the emphasis here is on legitimate complaints. If passed, Bill 103 would allow the independent police review director to weed out complaints that are deemed frivolous or vexatious or are made in bad faith. This would ensure that such complaints were rejected at an early stage and not allowed to proceed and wreak their sometime havoc on the system.

We believe that the proposed legislation helps to strike the right balance between upholding citizens' rights to



make complaints and ensuring that our police officers are not bogged down with frivolous and vexatious complaints.

I think it's important: I do want to say a few words about the extent of the consultations on this issue and I'll just take a few minutes here. It was a complex issue that required careful study, and Justice LeSage did a careful study. So in carrying out his review, Justice LeSage consulted widely. In addition to reviewing written submissions from police and holding public hearings, Mr. LeSage travelled extensively across the province. He personally met with over 200 individuals from some 85 groups representing police and the general public throughout Ontario.

1600

The government itself consulted widely. After receiving Justice LeSage's recommendations, we met with many stakeholder groups, including police associations, chiefs of police and many community groups. These groups included—it's not necessarily a complete list—the Police Association of Ontario, the Urban Alliance on Race Relations, the Association of Black Law Enforcers, the Canadian Civil Liberties Association, the Toronto Police Accountability Coalition, the Ontario Association of Chiefs of Police, the Metro Toronto Chinese and Southeast Asian Legal Clinic, the Ontario Provincial Police Association, the Toronto Police Association, Parkdale Community Legal Services, St. Stephen's Community House: Conflict Resolution Service, Aboriginal Legal Services of Toronto, Scadding Court Community Centre and Operation Black Vote Canada.

It's important to give a list of some of these groups that we consulted with because this was a wide consultation. This legislation reflects the very best of public involvement and public opinion.

We also considered the many letters we received following the release of the report. We gave all views careful thought and consideration before proposing the legislation that is before the House today. It's simply too important an issue to be rushed.

We believe that this legislation, if passed, will provide the public with a significant new option for bringing forward concerns, while ensuring there is no interference with the good work being done by Ontario's police services in keeping our communities safe. We believe that our proposed approach is a balanced one, we believe it's a fair one, we believe that it's an effective one, and we want this bill to be passed quickly. I urge my colleagues to join me in support of this bill so that all Ontarians can benefit from having a significant new option in dealing with police complaints.

**The Deputy Speaker:** Questions and comments?

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure to add some comments to the speech from the Attorney General and the member from Willowdale on the Independent Police Review Act, 2006, which is Bill 103.

The Attorney General began his speech by saying that 80% of the public has confidence in their police forces,

and I understand that was from a 2003 Statistics Canada study. It would seem to me that's a pretty high number, and I would wonder why this is necessary. It seems to point to the fact that the system we have, that's been in place since 1997, is working pretty well. I know I certainly have great confidence in the OPP, which looks after the area of Parry Sound–Muskoka.

I would say that in terms of policing, a significant issue for northern and rural Ontario is the cost to municipalities. That's particularly true in the north, and more and more of the load is being put on the property tax owner through the government's OMPF—Ontario municipal partnership fund—plan, where there's a threshold, that a certain amount of the cost is covered. But the real costs tend to be much higher, and as a result a much higher tax burden is shifting to municipalities. This is particularly true in northern Ontario, where every week there is another paper mill shutting down and another sawmill shutting down, where the forestry industry is being crippled under the McGuinty government's forestry plan and energy plan.

The cost of providing police services in the north and rural areas is a significant issue. With the confidence shown for the police forces, I wonder whether this is something that's necessary right now, or are we just creating another bureaucracy like the local health integration networks or like the one proposed under Bill 43?

**Mr. Peter Kormos (Niagara Centre):** I sat attentively during the comments by the Attorney General and his very able parliamentary assistant and noted the brevity of their remarks, notwithstanding the complexity of the issue. I will have the opportunity in around half an hour's time here at Queen's Park to speak to the bill, unfortunately for the limited time that this government permits opposition members to address bills of such importance. I'm pleased that I'm joined here by my colleague the member for Parkdale–High Park, Cheri DiNovo, because I know that this is something in which she has a strong interest on behalf of her community.

It is the sort of thing—we only get one kick at the can. That means we have to make sure it's done right. I appreciate the parliamentary assistant's exhortation for us to pass this bill speedily, but I suggest to him that that's not perhaps the most responsible course of action to take. Governments only address these things once every five, six, 10 years or so, and it's of significance not just to people in Toronto but across the province, including aboriginal communities in the north. It is imperative that this bill undergo some pretty extensive public hearings.

Look, I'm familiar with the LeSage report, and I'm going to be referring to it at length in the hour that I've got available to me. I believe, for the moment, the government when it says it consulted with people, but what we haven't heard was what those people had to tell them. That's why we need public hearings, and I'll be speaking to that as well.

**Mr. Kevin Daniel Flynn (Oakville):** It is a pleasure to join the debate on Bill 103. I think what people in my riding of Oakville would be looking for in any piece of



legislation is a striking of a balance that allows for all sides of an issue to be accommodated in a way that's reasonable and fair. Certainly, when I look at Bill 103, it meets that test.

Obviously I'm from Oakville, in the region of Halton. Police services in the region of Halton have a very, very good and strong track record of dealing with the community on a street-level basis, dealing with the community in a very fair way. When I see a bill like this, I understand that it's got to be independent, it's got to be transparent, and it's got to meet the needs of both the public and those men and women who serve on our behalf in the police services to keep our streets safe.

When I look at a bill like that, I think it's very well thought out. I think the recommendations that come out of the LeSage report have been accommodated in a way that people in Ontario will find very sensible and very reasonable, because you want a system that you know is going to protect you from any potential abuses by a person who is engaged in the act of policing. At the same time, you don't want those men and women who put their lives on the line every day for us out on the streets to be subject to frivolous or vexatious complaints. So I think the implementation of this system, where you've got an independent director who's got the authority to either deal with a complaint or to refuse to deal with a complaint, if it is deemed frivolous, is one that most Ontarians would find to be very reasonable.

It has had extensive input from stakeholders, as I understand it. Mr. LeSage met with over 8,500 groups to get public input on this bill. I think it's fair, it's reasonable, it's balanced. It deserves our support.

**Mrs. Christine Elliott (Whitby-Ajax):** I'm also pleased to join the debate with respect to Bill 103. I do have two comments, one with respect to expense and one with respect to the issue of accountability, although my colleague the member from Simcoe North is going to be expanding on these items more in just a short while.

With respect to the question of expense, this is going to be a multi-million dollar project to set up, and it also sets up a much larger bureaucracy that is going to have to be run on an annual basis; one wonders for what reason, given the extensive consultations that were entered into for the existing system to be set up. Perhaps it would have been more cost-effective to the taxpayers of Ontario to simply have worked with what we had and tried to fix that to the extent that it's required. But in any event, given that the taxpayers of Ontario are already over 80% satisfied with their police and the way things operate, we wonder if it's necessary to revamp the whole system.

With respect to the issue of accountability, I would follow the comments that have been made by some of the members of this Legislature that there is a need for extensive public consultation with respect to this bill, particularly in the northern regions. We want to make sure that everyone from across Ontario has a chance to have some input into this bill. But there is a flaw in it, with respect to the Ombudsman of Ontario noting that there is no judicial review of any of the agencies'

decisions. The Ombudsman also noted that this new system puts a heavy emphasis on secrecy. So one hopes that in the issues of providing greater accountability and transparency in these matters this will be addressed as public consultations progress.

1610

**The Deputy Speaker:** Response, the Attorney General.

**Hon. Mr. Bryant:** I thank the members from Parry Sound-Muskoka, Niagara Centre, Oakville and Whitby-Ajax for their comments. I thank the member for Willowdale for his remarks and for his, as ever, fantastic effort on this particular bill.

I want to assure the member for Niagara Centre that all that Mr. LeSage consulted on was reported upon in the LeSage report. I have no doubt that as we enter into this debate we'll talk about aspects of the LeSage report. I also have no doubt that adequate debate will follow this.

I say to the member for Parry Sound-Muskoka, I couldn't agree more that the confidence in our police services is extremely well deserved. It is the goal of this bill, in fact, to underscore the confidence in our police services system. That's something that has been recognized for some time. Civilian oversight of police was brought into the province of Ontario by our current Chief Justice of Ontario, the former Attorney General Roy McMurtry.

The member for Oakville very adequately addressed issues around frivolous and vexatious complaints and spoke to, in some ways, what the member for Whitby-Ajax raised, which was a concern about a larger bureaucracy. That's an old concern that was really directed towards the system. I know the Conservatives had that concern in 1992, and that was directed to that old system. This system, in fact, includes a significant component for flexibility, and it's incorrect to say there is no judicial review available; in fact, there is judicial review.

**The Deputy Speaker:** Further debate.

**Mr. Garfield Dunlop (Simcoe North):** Mr. Speaker, I was wondering if I could have unanimous consent of the House to defer the leadoff by Mr. Runciman so I could speak for the next 20 minutes, please.

**The Deputy Speaker:** Consent has been requested for deferral. Agreed? Agreed.

**Mr. Dunlop:** Thank you very, very much, Mr. Speaker. I appreciate the fact that the House has allowed the deferral, because Mr. Runciman will be speaking tonight on Bill 14, the leadoff on the access to justice bill. So it's a little bit difficult to expect him to do two one-hour leadoffs in the same day.

First of all, I'd like to start this off by saying that it is my pleasure to be speaking today on the first day of the reading of Bill 103. It's a bill I have a lot of comments to make on. To begin with, I really do look forward to the debate in this House on this, and of course I really look forward to taking part in the extensive committee hearings that I expect will happen sometime over the winter months as we want to travel this bill.

Bill 103: An Act to establish an Independent Police Review Director and create a new public complaints pro-



cess by amending the Police Services Act. I don't think we can talk about policing in Ontario in the last few days without mentioning the fact that the Ontario Provincial Police will have a new commissioner, Mr. Julian Fantino—Chief Fantino, as we've known him in the past, from London, York region and the city of Toronto. He's currently the emergency management commissioner in the province of Ontario.

On behalf of our caucus, I want to congratulate Mr. Fantino for being appointed to this position. I don't know whether the government has been up front with this exactly, but I do understand that it was done by a searching committee, or that a searching team had done the actual recruitment of Mr. Fantino. I will watch with a lot of interest over the next few months to see what actually unfolds as a result of that.

When I mention Mr. Fantino, I do know that he has a rich history in the province of Ontario and a great deal of respect. What I've heard recently in Ontario—and I'm surprised when we talk about legislation like this coming up, with all the things that are actually happening in policing right now. I'm actually wondering who the police complain to with this independent review director, because certainly the police have a lot of reasons to have their complaints addressed as well, particularly with the way this government has handled the whole issue in Caledonia over the last 230 or 240 days.

When we talk about the bill itself, I'm trying to figure out—I've been an MPP here since June 1999, and I don't think I've had in my riding, or as critic for Community Safety and Correctional Services, probably any more than a few, one or two, complaints about any police officer or policing department in the riding I represent or anywhere in the Ontario Provincial Police, which of course has the headquarters in my riding.

This is going to cost a tremendous amount of money to implement—I believe I've heard estimates as high as \$10 million to \$15 million just to put this new bureaucracy in place—so I'm wondering what the screaming need is to actually have this legislation brought forward. I would really like to see some examples brought up—maybe we could listen to some of the government members who will be clearly supporting this bill—of just how many complaints they've had, their police services have had or the police services boards have had about officers in this province. I think that's what I would like to see, more than anything.

Police themselves have a lot of reason to complain. As I mentioned a little bit earlier, we talk about the 230 days that Caledonia has gone on and on and on. It's cost the province of Ontario tens of millions of dollars. I don't know when it will ever end. Obviously, we're stagnant right now. The Premier mentioned today that there's been peace down there, so I guess it is going to continue on forever. I do understand that the government is planning a new detachment for the OPP in the Caledonia area. That's my understanding, that that has gone to Management Board. How much will it cost to add another 70 or 80 officers in that area? I guess it will happen indefinitely.

I talk to a lot of police officers across our province, and what I have been told is that, in the province of Ontario, with the lack of leadership from Dalton McGuinty and Minister Kwinter, the police feel like the meat in the sandwich. That's what they refer to themselves as, because no matter what happens, they get blamed for everything down there.

Although the government tells me that they do not interfere, that it is strictly non-political, that there are no decisions coming from the Premier's office, that there are no discussions with Minister Kwinter, however, it continues on.

We look forward to October 30, when Commissioner Fantino takes office, and what his plan will be to deal with Caledonia in a hands-off approach from the Premier's office.

Talking about Minister Kwinter—

*Interjection.*

**Mr. Dunlop:** Yes, well, I understand, according to what I have been told from the minister's office and from what I've heard the Premier say, that Chief Fantino was selected by an independent team of selection committee; nothing to do with Minister Kwinter, nothing to do with the Premier. But somehow he was the one they picked.

**1620**

It was interesting, because I got a complaint from a police officer the other day. He had read a story—I won't put the paper up because I know it's illegal to do that in the House here—that came from the *Minden Times*. It's a story about the opening of a new OPP detachment up in that particular area. One of the things that I found funny in the article is that it refers to the OPP helicopter flying Minister Kwinter to the ribbon-cutting of this building. In my opinion, that's wrong. If the minister had to be taken to an emergency situation like the flooding disasters that we've seen in northern Ontario, I could understand that. But you take a machine that costs \$1,000 an hour just to maintain to a ribbon-cutting? Minister Kwinter takes an OPP helicopter out of service so that he can get back to Toronto and avoid traffic jams or highway gridlock. I don't find that very funny. Quite honestly, I would like to know where Mr. Kwinter was going in such a hurry that he had to take an OPP helicopter out of service with the OPP to fly back to Toronto. I certainly hope it wasn't to a Liberal fundraiser. That would be a very, very sad story, but I suspect that's what it would be about. Why would the minister use an OPP helicopter to fly from a ribbon-cutting in Minden? He's already provided—

*Interjections.*

**Mr. Dunlop:** I guess I've rubbed them the wrong way over here.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** Say that he didn't do that.

**Mr. Dunlop:** Just say that he didn't do it. But I actually have a picture of him in front of the helicopter and I have a picture of him boarding the helicopter, so he can't hide from that. Why would the minister be on a helicopter, especially if he's a hands-off minister? This is a guy who wasn't going to interfere with the selection of



Chief Fantino. He certainly won't interfere, apparently, with Caledonia.

**Mr. Dave Levac (Brant):** On a point of order, Mr. Speaker: There are two things I'd like to refer us to. The standing orders, in section VI, rules of debate:

"In debate, a member shall be called to order by the Speaker if he or she.... makes allegations against another member" or "imputes false or unavowed motives to another member."

The second point of this point of order is the fact that the speaking is supposed to be done on the bill that's present.

**The Deputy Speaker:** The member has drawn my attention to the fact that we are debating Bill 103, and I was waiting patiently to hear some reference to that.

The member for Simcoe North.

**Mr. Dunlop:** I appreciate your bringing it up, because I was dealing with a complaint that a police officer gave me: Why was Minister Kwinter flying around Ontario in an OPP helicopter? That's a complaint coming from a police officer. All I want you to do, as members of this House, is stand in here and say why he was doing it.

*Interjections.*

**Mr. Dunlop:** You can heckle me all you want, but the reality is that he flew in an OPP helicopter and there was no emergency; he didn't need to be in it. A police officer complained to me about that.

**Mr. Levac:** On a point of order, Mr. Speaker: The second part of the ruling that I asked for was about speaking on the bill that's presently before him. No matter what he talks about in terms of the complaint, it has nothing to do with the bill.

**The Deputy Speaker:** I'm interested to hear the comments, and I'm sure the members are, with regard to Bill 103.

**Mr. Dunlop:** Absolutely. I thought the bill was called An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act. You want to create a new act, and I'm telling you that police officers feel like the meat in the sandwich in this province today. I've told you that they have a reason to complain. How do you handle that in the legislation? You haven't done it. I'm telling you that police officers are coming forward and telling me they've got complaints with this government. They feel like the meat in the sandwich, particularly at Caledonia. That has been said many, many times. I'm telling you that one of them came forward just recently and complained about Minister Kwinter flying around the province of Ontario in a helicopter. I don't have any problems with him doing it if he was doing really legitimate police business, but a ribbon-cutting on his way back to a Liberal fundraiser? I don't think so.

*Interjection.*

**Mr. Dunlop:** Well, I won't spend any more time on Minister Kwinter right now. I didn't get a chance to ask him last week. He was away with the Attorney General all week.

**The Deputy Speaker:** Member for Simcoe North, you know we don't refer to members' absences in the Legislature. Please: Bill 103.

**Mr. Dunlop:** I apologize for mentioning that. It's terrible when you bring that type of thing to the attention—and I'm not really all that sorry. The fact of the matter is, we've watched over and over again this government talk about one thing, about the transparency, and then we see example after example coming forward.

I want to talk a little bit about what I heard mentioned here a little bit earlier, and that was Justice LeSage's extensive consultations. It's almost like you were trying to tell us that the consultations have been done. They were done on Justice LeSage's report, but we have a lot of consultations we want to see done here. I'm told that this minister and this House want to see this legislation passed by December 14. Surely that can't be true.

**Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal):** Why not?

**Mr. Dunlop:** Because we haven't had any committee input on it. This is a piece of legislation that affects every police service in the province of Ontario. So during the winter break, I would expect that this government would certainly agree to extensive travel of this bill to all types of police services right across this province. I can imagine that the Kenora Police Service, Timmins and probably Sault Ste. Marie would all want input. I don't think they're just taking the word of LeSage's report and using that as the basis for speedy passage.

We will want to debate this bill substantially, particularly when it comes to the opportunity to debate more on what we'll be doing with committee hearings, because I know that's decided by the House leader's office. But certainly a bill of this magnitude and this expense—because it will cost, I'm told, up to \$15 million to implement this on a yearly basis. When we do some Qs and As this afternoon, or some comments, I would hope that the government members could tell us how much this will actually cost, because it's always interesting. It's not like that recycling program they started and the Premier has no idea what it's going to cost. I would like to think in this House that we can get some straight answers right away. Tell us the cost to implement this.

As well, I understand that a lot of this will be left up to regulations after, very much like Bill 159, another bill of Mr. Kwinter's. It has never been proclaimed as a bill and become law, so we'll have to look forward to what happens with 159. But I can tell you, if we're dealing with amendments, if we're dealing with regulations, this House deserves to know what those are and get as much input as possible. Of course, we get a lot of that through the committee hearings, which I think we'd be able to do in the future, when we actually travel the bill during the winter months.

The other thing I wanted to point out today is, when we're talking about police complaints, I understand there have been a number of complaints, and we've seen that in the media, about the OPP in Caledonia. I think that



demonstration on the weekend led in that direction. However—

*Interjection.*

**Mr. Dunlop:** You know what? I wasn't there. But I should point out that I've been to Caledonia three times this summer. I've talked to police officers on the line; I've talked to them in their cruisers. I believe at any given time there are about 124 OPP officers there. It's costing hundreds of thousands of dollars per week to have them there. Do you know who hasn't been there? Minister Kwinter, Minister Ramsay, Minister Bryant and the Premier.

**Hon. Mrs. Bountrogianni:** He was there.

**Mr. Dunlop:** No, no; never been there. He completely has not been there. But I can tell you—we're talking about police complaints—that there's another complaint—

**Hon. Mrs. Bountrogianni:** On a point of order, Mr. Speaker: I know for a fact, because Minister Ramsay invited some of the—

**The Deputy Speaker:** Take your seat. That's not a point of order. You can't correct the member's record; he can only correct his own.

**Mr. Dunlop:** I do believe, if the minister was referring to Minister Ramsay, that he came within the vicinity; he never actually made it into Caledonia. That's my understanding. If he did, I stand to be corrected. Just give me the date and times and I'm happy to—

**The Deputy Speaker:** I think the members would like to hear about Bill 103.

**Mr. Dunlop:** The intent here today is to tell you that they're creating legislation in Bill 103 that no one is screaming for. What I'm trying to say is, the police have a lot of complaints, and part of the complaints is the way this government has handled Caledonia. That's part of it. We're talking about police complaints here, and you haven't done your job.

1630

Then they say, "How many times have we been to Caledonia?" We've been there and kept a close eye on it. I have talked to OPP officers across this province, and I'll tell you once again, they feel like the meat in the sandwich. Over and over again they feel that the government has let them down. There's been no true leadership on this issue. If you think you're going to start talking about bringing in a bill like this at a time when we've got such a hot topic as Caledonia and that Caledonia is not going to come up during the debate, you've got to be kidding yourselves. Of course it is. You're going to hear that every day during this debate.

As I get back to the topic—and I won't go back to Mr. Kwinter in the helicopter—I want to say that I look forward to this debate in this House. I look forward to the leadoff that Mr. Runciman will be doing, and Mrs. Elliott behind me, as they bring their points forward as well. But I can tell you that the thing that we will demand most of all with this legislation will be extensive committee hearings. That's what we expect to have.

I'm told, and I was told earlier today, that the government wants the bill passed by December 14. I don't think

that's acceptable, because the committee cannot possibly travel in the fall session to do a thorough job of the committee hearings that we would expect with a bill of this size and magnitude and cost. So I look forward to that.

I look forward to taking part in those debates as well, and I look forward to any questions and comments on the comments I've made today, particularly around the cost of the bill, around the screaming demands—who really wants this bill so badly?—around Minister Kwinter's use of the helicopter and, of course, just around the government's inaction on the Caledonia crisis.

**The Deputy Speaker:** Questions and comments?

**Mr. Kormos:** In around 10 minutes' time, I'll have the privilege of addressing this bill on behalf of the NDP caucus as the lead speaker. Ms. DiNovo is going to be speaking to this matter and to the comments made by the member for Simcoe North in but a few minutes' time herself.

One of the questions I think important to be raised is, who wants this legislation? I think there's a whole wide range of communities out there that want reform, that certainly want a review of the status quo.

One of the observations I'm going to be able to make while I am speaking to this bill was my participation in the extensive revision of the Police Services Act by a previous government. I was very active in that. There were a whole lot of people who felt that they were not appropriately responded to or acknowledged in the course of that exercise. That system, of course, which is now the status quo, has had an opportunity to demonstrate its successes and its flaws and failures, so it's appropriate that the matter be addressed now.

New Democrats have concern about the legislation, but New Democrats are committed to participating in not only the debate but in public hearings so as to ensure that we develop the best possible reviewed and revised system that a Legislature can cobble together. There's a whole lot that depends on that, and it's in the interests of police, as well as the communities that they serve. I really, really insist that that has to be the premise that we operate from. I want to speak to that. Undoubtedly, that's the starting point, the seminal point of any contribution to this debate: that it's imperative that a police oversight system be respected and regarded by not only the people being policed but by the police themselves.

**Mr. Zimmer:** I do want to correct something that the member opposite said with respect to the Minister of Community Safety. He made a suggestion that there was a helicopter trip that was taken. Here are the facts of that trip. The minister took the helicopter from Haliburton, where he was attending an OPP detachment meeting. He then took the helicopter back to attend a meeting of the Emergency Measures Organization with respect to the Weather Network announcement in Scarborough with Commissioner Fantino. Those are the facts of the so-called helicopter trip.

*Interjections.*

**The Deputy Speaker:** Order.



**Mr. Zimmer:** With respect, you know, the whole idea behind this piece of legislation is to ensure that we have the confidence of the public that their complaints will be taken seriously and dealt with fairly, and that we have the confidence of the police that complaints that are made will be dealt with fairly and reasonably, and then both sides expect the complaints, whether you're the complainer or on the receiving end of the complaint—the whole idea is to get the complaint dealt with expeditiously, because who wants a complaint hanging over one's head, whether you're the complainer or the complainant? This legislation goes a long, long way in providing a mechanism to ensure that complaints go through the system quickly.

It not only provides a mechanism that complaints can go through the system in a very formal way quickly, but there are processes in the legislation where the parties to a complaint can, in effect, resolve those complaints themselves, perhaps with the assistance of mediation. They can resolve the complaints without the necessity of a formal hearing. That is the very best solution to a complaint.

**Mr. Ernie Hardeman (Oxford):** I just want to commend the member from Simcoe North for his comments concerning Bill 103. As it relates, I'm standing here just looking over his shoulder at the picture of the ribbon cutting, with the Minister of Community Safety being in the picture. This was the ribbon cutting referred to by the member opposite, that it didn't exist. There must have been an extra stop in the trip, that he decided to do a ribbon cutting in the OPP helicopter.

But I think it's more important to talk about the concern that the public will have with appointing a new commission that's going to look at police complaints—that commission, of course, having no oversight. It will be appointed, and when one makes a complaint, if they are not satisfied with the judgment that comes out of this new commission, then in fact there is no alternative; you're just out of luck. I think that will take away the community's confidence in the complaints system, as opposed to helping it. If the complaint was allowed to go to the Ombudsman in cases where someone were dissatisfied, I think the Ombudsman of Ontario and the people of Ontario would be much happier with a different structure. This structure is not going to improve the system; it is going to make it worse.

Furthermore—I think the member mentioned this a number of times—it's very important that we have a costing, particularly of what this is going to cost the police services in Ontario. We'll have to recognize that, as a municipal responsibility, if it's a great increased cost, the municipalities and the people of Ontario would be much better if that money was put towards more policing, more equipment and more opportunities for the policemen to do their job, rather than to have a new system that, according to Statistics Canada, only 20% even thought they would want, a new system to register complaints to about how they wanted the system improved. I think we should put that money towards

providing better policing, not to find out whether the present policing is sufficient; we all know it isn't.

**Ms. Cheri DiNovo (Parkdale-High Park):** There's no doubt that reform is needed here. I have a couple of concerns and would certainly want to see this go to committee. First of all, my husband was a police officer for Waterloo regional, and he and I have utmost respect for our police services. I certainly, being the member for Parkdale-High Park, know how hard 11 division works in Parkdale-High Park.

A couple of concerns, though: First of all, I have a concern about funding as well, that proper funding for this independent complaints body be exactly that: proper funding. The Liberal government has not been particularly stellar in funding justice initiatives for marginalized citizens. Legal aid, for example, is nearly broke. The fund established to provide legal assistance once had an emergency fund, and that's almost depleted. The number of people refused service has increased by 42% in less than two years.

The other concern I have as well is about complaints from within the police department, the whistle-blowers within the force, and how their rights will be protected. I draw attention to page 10 of this bill. Down at 58 there are a couple of points here: A member or auxiliary member of a police force or another member of that force is prohibited from making a complaint if that force is the subject of the complaint. For example, Sergeant Jim Cassells, who made some accusations—this is an ongoing case—has been found on one count of discreditable conduct and one count of breach of confidence by his own force. I wonder how our whistle-blowers within the police forces will be protected by this bill.

Those are my concerns. I think there are concerns enough that warrant far more extensive study.

1640

**The Deputy Speaker:** Member for Simcoe North, you have two minutes to respond.

**Mr. Dunlop:** I want to thank the members for Niagara Centre, Willowdale, Oxford and Parkdale-High Park for their comments, and particularly the member from Willowdale for straightening me out on the minister's tour. I guess this article in the paper by Bryn Weese of the *Minden Times* must be wrong. I'll inform him that his story is wrong. It's incredible because, do you know what? There are two pictures of a helicopter in here. In one, it just looks like Monte Kwinter standing in front of it. But maybe it's not Monte Kwinter. Maybe it's a look-alike from Minden, but it looks like him.

The reality is that he's not supposed to use a helicopter for that. He took a valuable piece of equipment out of the hands of the OPP that could be used for emergency services. How do you know there wasn't someone who could have been lost in the woods or something at that particular time and they would have needed that? The minister has no right to use it. That's why he's got Johnny Tomilko running around in that blue car. The minister is supposed to take a car like the other ministers. That's all I'm saying. I think it's very unfair to criticize



me for saying that, because the bottom line is that it's an emergency services vehicle.

**Mr. Zimmer:** On a point of order, Mr. Speaker: Are we on topic here?

**The Deputy Speaker:** Member for Simcoe North, you can finish.

**Mr. Dunlop:** Thank you very much, Mr. Speaker.

You're the one who brought up the topic. You claimed we were wrong. All I'm saying is that he shouldn't have been using that vehicle. He owes an apology to the citizens of Ontario.

What is going to happen to the budget of the OPP, with tens of millions of dollars that you've spent at Caledonia in this year's budget, plus this kind of waste of money here? He could have gotten Johnny Tomilko to drive him back to Toronto, to the Liberal fundraiser or wherever he was going. But the reality is that he didn't. I'm opposed to that, and I think the minister owes a really strong explanation to this House of why he would use an OPP helicopter to take him from Minden to Toronto.

**The Deputy Speaker:** Further debate?

**Mr. Kormos:** Not wanting to dwell on the matter, I for one am prepared to cut the Solicitor General some slack. He has served here for how many years now? He's the Solicitor General, and if he wants to take one helicopter ride courtesy of the OPP, I say God bless, assuming, of course, that it was just a helicopter ride. We all remember Ken Keyes, who took the boat ride with the police. To his regret, he had a beer with them, and that was his downfall. But I'm confident that the Solicitor General had a dry helicopter ride.

This is important stuff, incredibly important stuff. I was just telling Mr. Sterling that I remember as a student here in Toronto, back in 1973-74, I sat in on the inquiry into Toronto police misconduct. I wasn't in law school yet but I was aspiring. It was the great Arthur Maloney who was conducting that inquiry, of course, with some incredible, shocking allegations as revelations about the police, some of which were found to be, in fact, fact. There really hadn't been much focus—it was wonderful to watch Arthur Maloney work. He was a great litigator, a great lawyer. I appreciate Judge LeSage because he makes reference to the Criminal Law Quarterly article dating back to 1986, authored by—here he is again—Clare Lewis, Sidney Linden and one other, where they look at the history of public complaints against police. They reference the work done by Maloney as one of the, again, seminal exercises in developing a public complaints process. I'll just read the paragraph.

"In 1974, after a series of highly publicized complaints involving the actions and activities of officers of the Metropolitan Toronto Police Force, the late Arthur Maloney, QC, was appointed by Metropolitan Toronto to study police complaints procedures. Among other initiatives, he recommended the appointment of an independent civilian commissioner of complaints." Of course, there was a succession of sources with similar recommendations.

What are the premises? One of the premises is that the police shouldn't be investigating the police when there's a complaint about police misconduct. Let's be very candid: There was a time—and it was a time that Arthur Maloney was addressing when he was conducting his inquiry—when the police had *carte blanche*. There was a police culture—mind you, that's not to say that it wasn't without community support. I'm sure there was a great deal of community support for the police having *carte blanche*. Heck, I remember, as a kid, down on King Street in Welland, a gang of us kids out at 1 in the morning outside the Bright Spot restaurant. George West, a Crowland cop—he was around six foot eight; big hands the size of baseball mitts—would just come and lift us up by the neck and hold us up against the wall. Mind you, he didn't arrest any of us. We got maybe roughed up a little bit, but it was considered part of the relationship.

But several things clearly happened: one, a fear around police abuse of the incredible powers that they have; the incredible consequences that that fear has in communities of new Canadians, who may feel less than fairly treated by the police. Again, I'm talking about 30-plus years ago. Police have great power in this country, and we hold them to incredibly high standards; we do. That's one of the incredible tensions that police officers have to endure, have to work under. On the one hand, we have incredibly high expectations. We expect cops to find the bad guys and to make sure that there is enough evidence to convict them, and sometimes they're very, very—they're people who have committed some extraordinarily repugnant crimes. Again, we expect the cops to find those people, to collect the evidence and to collect enough evidence to make sure they're convicted. Yet, at the same time, we tell the police that they of course have to comply with the Criminal Code, they've got to comply with the Charter of Rights and Freedoms and they can't break the law in the course of putting a case together.

I'm old enough to have practised law, criminal defence work, when, heck, Don Harris—do you remember him, Mr. Bradley, the chief of police down in Niagara? Although some of the stories about Don Harris may well be apocryphal, I can assure you, Mr. Bradley, that some of them aren't. If Don Harris were prepared to speak candidly, he'd acknowledge that there were times when the zealotry around catching the criminal resulted in—and, again, the police never thought they had the wrong guy; it was just the frustration of not being able to come up with the right evidence. Sometimes they knew they didn't have the wrong guy, but they had a bone to pick and wanted to teach somebody a lesson, but those days are increasingly long gone. As we deal with, for instance, the plight of the wrongly convicted and the incredible tragedy that is, the blight that that is here in Canada with our judicial system, with our criminal justice system—I mean, heck, while the public, from time to time, is horrified by the prospect of guilty people being found innocent, surely even more horrible than that is an innocent person being found guilty, not necessarily because of police misconduct but perhaps because of the zealotry—it's a word that's used so often in describ-



ing police behaviour, trying to describe it in a benign way so that you don't really label the activity as misconduct—mere zealousness in the pursuit of investigating sometimes horrible crimes. But we have become well aware of the dangers in that.

1650

I hope the public understands that the public has some responsibility to understand that the police indeed are responsible for not only enforcing but abiding by the rule of law. If that results, from time to time, in people who otherwise should have been locked up being set free because the police in the course of their investigations weren't able to acquire enough evidence lawfully to ensure the conviction of that person, then at the end of the day we truly are better for it. As I say, the only thing that's worse than a guilty person being found innocent is an innocent person being found guilty. I think that's an important premise, and I think it's very relevant to the conversation, the discussion, we've got to have about oversight, police oversight, the complaints process.

I have already indicated, and I'll do it again, that the NDP is incredibly grateful to Judge Patrick LeSage for his report to us, to the Attorney General. We should note, however, that even he is cautious, because Judge LeSage says, "The following recommendations should be seen as a response to some of the fundamental problems underlying the current legislation, with the goal of improving parts of the system so that it operates more effectively." I think it's pretty clear that Judge LeSage didn't intend for his report to be taken as a complete response to all of the questions that might be asked about the status quo of the current legislation, nor as a complete formula for reform.

That's one of the troubling things that happens when reports like this get tabled. If the government likes them, then of course they use them to say, "Well, there's been an exhaustive study already. There's been thorough consultation." If the government doesn't like them, why, they just get piled on yet another shelf and they collect dust.

But I think here we have to be cautious in terms of understanding that, even as Judge LeSage says that this is a response to some of the fundamental problems and it has as its goal improving parts of the current system. So it's not a response to all of the problems, nor is it a formula for improving all of the system. What he's saying is, we can't delegate our responsibility to consider this legislation, to hear from the public, to hear from the public, to hear from the public.

Judge LeSage lists, at the back of his report—I hope folks have read it—the exhaustive list of persons who spoke with him in the course of his preparation of this report. But once again, we don't have a summary of what those people had to say. We don't know how Judge LeSage got to where he got to with the information that was put before him. We just know that that's where he got to. We just know that that's what the report in fact is.

Let me deal with, right off the bat—because one of the overriding concerns that the New Democrats have about this legislation is the government's exemption of this police oversight process from the oversight of the Om-

budsman. It's already been mentioned by one of the Conservative speakers, and I expect that when Ms. Elliott—

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** He's a busy man.

**Mr. Kormos:** Mr. Bradley is a fan of Mr. Marin. And yes, he is busy. One of the ways a government can strangle an Ombudsman is by underfunding him; right? Because all of the Ombudsman powers in the world become irrelevant if the Ombudsman doesn't have the funding, the staff to perform his or her function.

I for one say, this Ombudsman should be assured of the resources that he needs, that that office needs, to effectively carry out its function. But it also needs the legislative framework, because we note very specifically that the government has exempted police oversight in this legislation from oversight by the Ombudsman. That's a pretty big omission, isn't it? I don't think it's oversight on the part of the drafters or the policy people. Surely it was in their mind. Heck, New Democrats have been raising that about family and children's services for darned near three years now here in the Legislature, about how this government refuses to submit family and children's services to oversight by the Ombudsman. Now, once again, they refuse to submit police oversight to the oversight of the Ombudsman.

As the Ombudsman said in his speech in May of this year to the Toronto Police Services Board, "Quis custodiet ipsos custodes": Who will guard the guards themselves? I am grateful to Mr. Marin for his Latin. Clearly, what we don't learn from him, we can now learn—I'm so pleased that Pope Benedict appears to be prepared to restore the Tridentine Mass in our Roman churches across the world, because what Latin we don't learn from the Ombudsman, those of us who go to Roman Catholic churches will learn in our Catholic services.

It's an important point: Who will guard the guards? I want to make sure that Hansard contains the specific comments by Ombudsman Marin with respect to that omission from this bill of oversight by the Ombudsman. Quite frankly, the Ombudsman gives the government credit for coming forward with Bill 103.

It goes on: "I have a question regarding Bill 103, however, which should be of equal concern to both the police, members of the public and everyone in this room: Quis custodiet ipsos custodes or who will guard the guards themselves? Who can the police or the public turn to if someone is dissatisfied with the delicate decisions this government body will make regarding complaints against the police?"

The Ombudsman is very fair in that regard: Who will the public or the police go to? Because it is going to be a politically appointed body that constitutes the new civilian police oversight body. I join with the Ombudsman in saying that it's imperative that the Ombudsman have oversight, in the traditional Ombudsman role, of this civilian complaints body and its decisions, either decisions made directly or decisions that are made as a result of its delegating its power.



Let me go on briefly, because it's important that what Mr. Marin said in May be part of this debate. I really think it is. He said, further, "There is no doubt merit in protecting this new body not only from unmeritorious complaints but to extend special protections for it to do its job properly and with some level of finality. Thus, the bill proposes to arm the new director with extraordinary tools to reject frivolous or vexatious complaints, or even if, in the opinion of the director, dealing with the complaint is not in the public. Similarly, the director is not compellable in an outside civil proceeding, documents collected during the course of his work are inadmissible and finally the director and his office enjoy a very generous immunity"—very generous—"against civil suits, with heavy emphasis on secrecy."

1700

For a moment I depart from the comments made by the Ombudsman, Mr. Marin. "Emphasis on secrecy": That should ring alarm bells for all of us, shouldn't it? Shouldn't a process of oversight be as open and transparent as is at all possible so that people can have confidence in it? We condemn and reject secret trials, although regrettably Canada's had some of those. We, as Canadians, condemn and reject secret trials. We believe that even the most heinous of offenders is entitled to have a public trial, a trial wherein there's transparency, where the public can view either directly or through the media exactly what took place in that courtroom.

I return to Mr. Marin's comments: "The director and his office enjoy a very generous immunity against civil suits, with heavy emphasis on secrecy. These protections don't necessarily favour either the complainants or the police officer. They are meant to keep the new body focused on its job and not being forced on wild goose chases by disgruntled complainants or being drawn into courts by either complainants or the police for merely doing its work. They encourage efficiency and authority, discourage distraction and foster an environment of finality. I hasten to add, having been on the receiving end of more than handful of silly lawsuits and other dilatory manoeuvring while the head of SIU, I understand and fully support these extraordinary measures.

"Not only does the bill confer extraordinary protections to the director and his staff, it also provides extraordinary powers to this new body including the powers of a commission under part II of the Public Inquiries Act."

I leave Marin's comments and I'm going to talk about that in a few minutes, because the bill very specifically says that the body, in the course of conducting an investigation, has the powers under the Public Inquiries Act, part II.

Back to Marin's comments: "These powers are considerable and include the power of summoning witnesses to testify under oath. In addition, this new body will, upon proper notice, have the power to enter and search any station or detachment of a police force, including any vehicle that is owned by the police force wherever it is located. Investigators acting on behalf of the director will be able to require a person to produce or provide access to any record, data or information that

relates to the investigation, search for, examine, copy" etc.

Here's where an ellipsis in the Hansard would be appropriate because I'm going to move on to the next thought by Mr. Marin in these comments:

"Suffice it to say, the independent police review director will have vast exceptional powers and reach into the police domain. The director can decide to investigate systemic issues and make recommendations that could, in theory, tell chiefs and police service boards how to do their jobs. Life as an Ontario police officer will never be the same again. But, I put it to you, who will guard the guard themselves? Given that the bill blesses the director with wide-ranging judicial immunities, who will keep this new provincial body in check and independently investigate complaints against it?"

You see, Ombudsman Marin acknowledges the need for immunity from civil action. He refers back to his own experience. He calls this an extraordinary thing, and that should ring alarm bells for us. He perceives it as extraordinary. He refers back to his own experience as head of the SIU, the special investigations unit, and talks about how it's necessary so that the body won't become distracted by the sorts of lawsuits that disgruntled parties could bring and that serve merely as a distraction. But he says then specifically that in view of the fact that the director has these judicial immunities that protect him from lawsuits, that protect him from oversight by the courts—because that's what a lawsuit would be all about, right? In view of that, then where is the oversight, if not from the courts because of the judicial immunity, of the director of this new civilian complaints body going to come from?

"Who will keep this new provincial body in check and independently investigate complaints against it?" Mr. Marin does have a way with words, doesn't he? This is where Mr. Marin demonstrates his distinctive way with words.

**Hon. Mr. Bradley:** Aha.

**Mr. Kormos:** He says, "Who will keep this new provincial body in check?" "Aha," as Mr. Bradley says. "The answer is buried deep into the entrails of the bill." The government wasn't even proud of this. The government buried this in the bill, with the hope that nobody would see it. That's why we hear from government members that this bill should pass speedily: so that the stuff that's buried deep in its entrails won't be discovered until it's too late, huh, Ms. Elliott?

Well, too late already, because the whistle was blown on you back in May by Mr. Marin. The answer is buried deep in the entrails of the bill. "The penultimate section, section 97, is a particularly troublesome provision." I've got to tell you, when the Ombudsman is troubled, I get troubled too. When the Ombudsman is troubled, fair-minded people across Ontario—their antennae go up. When the Ombudsman is troubled, people's eyes widen a little bit, because if the Ombudsman is worried, they know they should be worried as well.

Let's understand that this concern, this worry, this trepidation is as likely to be felt by members of the



public, who might complain about police misconduct or other things, as by police officers who might be accused of misconduct, amongst other things. If the Ombudsman is troubled about section 97, police officers should be troubled about and by section 97. If the Ombudsman is troubled by section 97, members of the public should be troubled by section 97.

Section 97 "is a particularly troublesome provision. It specifically provides that the Ombudsman is to be prevented from overseeing how this government body conducts its business of investigating complaints"—specific, not accidental; specific, not inadvertent: specifically bars, prevents, prohibits, makes it impossible for the Ombudsman and his office to examine how this new body will conduct its business of investigating complaints.

Mr. Marin says, "This is dangerous territory to venture onto." I'll add to that, this is very dangerous territory to enter into. The Ombudsman, back in May, said, "This is dangerous territory to venture onto and goes beyond what the LeSage report recommended." That's interesting too, isn't it? "This, in my view, is a grave flaw that must be addressed and corrected."

He goes on then—and I invite people to reference the May 16, 2006, speech by the Ombudsman to the Toronto Police Services Board on the occasion of its 50th anniversary. He goes on to talk about, in a broader sense, the role of the Ombudsman, the history of the Ombudsman with respect to other governmental bodies, and basically make the observation that what should be sauce for the goose should be sauce for the gander.

1710

I think one of the questions that this government has got to answer, one of the very fundamental questions this government has got to answer, is, why section 97? What is the government fearful of? Why would the government, after giving those extraordinary protections and powers to this oversight body, immunizing it, if you will, from supervision by the courts by way of lawsuits, then bar, very specifically bar, the Ombudsman and its office from overseeing how this body conducts its business? Of course, Mr. Marin goes on to note that this wasn't one of the recommendations of Judge LeSage.

What Judge LeSage did find, though, is that the current system is perceived by so many as not being user-friendly. Page 37 of his report: "The police have made few attempts to make the complaints system user-friendly, and I was told that only the most educated and determined complainant would be able to successfully find their way through the process.... Community groups submitted that a legitimate complaints system cannot be based on a process where a complaint about a police officer must be filed with the police." Two separate things here, two separate issues: One is that the process that exists—and the process that exists is one where a complaint must be made directly by the complainant—is one which even the most educated and determined complainant might have difficulty with. Certainly, only the most educated and determined complainant could weave his or her way through.

The bill expands the complaints initiation process by permitting complaints to be made on behalf of complainants, right? But here we are in the same dilemma as we are with that notorious government Bill 107. Some complaints against police officers will be made by people who are very affluent, who are well educated, who speak good English, who will be able to hire lawyers—big, high-priced downtown Bay Street law firms. You know the lawyers, the ones with the gold cufflinks and the Montblanc pens, the big fat ones, and the Gucci shoes. There will be complainants who will be able to wheel up in their BMW 6 Series sedans to their favourite Bay Street law firm and hire the guys in the Harry Rosen suits, or gals, to process their complaints for them, to write the letters, to deal with the complaints procedure. I'm talking about the proposal now.

What about the uneducated person? What about the person for whom English is not a first language, hasn't even become a second language? That's what happens when you live, blessedly, in a multicultural, multi-ethnic society, a country like ours. There are new Canadians for whom English hasn't even become a second language yet. There are some of us, I fear—from time to time I suspect I'm one of them, but I do my best. I say where, exactly, do we take care of and accommodate those folks for whom, as I say, English might not even yet have become a second language, those folks who are new to this country, those folks who may well have come from—indeed, many did—countries where the prospect of complaining about the police is beyond daunting? It's unthinkable.

Please, don't even think of suggesting that that's hyperbole on my part. If you reflect on some the people you've met in your constituency offices, whether you've been here a few years or many years, you've met those people. You've met those people who come from totalitarian regimes and who fled them, who are here as refugees, who are victims of police in those countries for whom there are no checks and balances, for whom there is no governmental oversight, never mind civilian oversight, and where the police are the government. It's a pretty frightening thing for that person. As I say, if that person happens at the same time to be a person of means, they can hire a lawyer to act for them. Why I reference Bill 107 is of course because there, in a desperate effort at catch-up, the government's talking about ensuring that every person has access to counsel.

Let me compound this one further: When you've got the Toronto Police Association signalling very clearly to members of the public that that Toronto Police Association will leave no legal stone unturned in suing people who make complaints about their members and taking away their homes, if they get a judgment against that person and that person happens to have a home—that's the way I read the comments. I'm sure the parliamentary assistant will take great pleasure in correcting me should I be wrong, but I'm not. The Toronto Police Association is right, in my view, to say this. It's another matter as to how we respond to it, but that's what they said. They've sent a strong, clear message that complaints about them



are going to be responded to with civil actions. That raises the price of poker a little bit, doesn't it, Mr. Parliamentary Assistant?

I say the government has now yet another question to answer: Where is the resource whereby complainants about police misconduct and police behaviour, who can't afford their own counsel, will be able to access counsel to assist them in the preparation of the complaint and in pursuing the complaint through the system? It's got to be multilingual as well, doesn't it? Of course it does, or else you're not being sincere about the proposition.

We then come to the concern about the observation by many community groups that a legitimate complaint system cannot be based on a process where a complaint about a police officer must be filed with the police and, to go one further, where a complaint about a police officer will be investigated by the police. I understand, and I think all of us do, how Judge LeSage here has tried to draw a continuum of complaints that, once received by the civilian body, will be referred back to the local police force for that chief of police to deal with; you move on down that continuum to refer it to a neighbouring or another police force to be investigated by that other police force; and all the way to the end, where the oversight body will conduct its investigation.

I submit to you—because I want to then move on to the so-called informal resolution proposal, which we agree with, by the way, in principle—that there should be a requirement, or at least consideration of a requirement, for learned consent on the part of the complainant before the matter is referred by the civilian oversight body to the same police force, to its chief of police, for investigation. Otherwise, you undermine one of the fundamental underpinnings of having civilian oversight, and that is the police investigating the police. There could well be circumstances in which the complainant says, “Well, yes, I have no qualms about that,” but there could at the same time be situations where the complainant says, “Are you nuts? Those guys are thick as thieves. They all stick together.” And whether it's real or perceived really doesn't matter much, because it's still about the confidence that the public, that the complainant has, in the complaints system.

1720

Police forces here in the province of Ontario range from the seven sworn peace officers of the Stirling-Rawdon Police Service to the 5,200 sworn members of the Toronto Police Service. I don't know the Stirling-Rawdon Police Service, but it isn't difficult to anticipate that in a very small police service like that, with seven peace officers, you've got some pretty close, intimate relationships. There are only seven cops, for Pete's sake. Of course they know each other. They work together. It's the only squad there is. In Toronto, to be fair, you can draw in peace officers from a detachment who have never met the police officer about whom the complaint is being made. At the same time, having said that—it would be entirely unfair to single out and make presumptions about the Stirling-Rawdon Police Service or any other number of small police services—there may well be

cases where the complainant says, “Well, yes, I have no qualms about the chief of police dealing with this matter. I think he or she could do it very effectively.”

But I ask the government to consider why we shouldn't be discussing and getting some input about the prospect of, if the matter is going to be referred by the oversight body to that same police force that's being complained about, there being at least some consideration of a requirement for consent on the part of the complainant. In your legislation, you've already got the ability on the part of the receiving body, the civilian body, to deem a complaint frivolous or vexatious, don't you, Mr. Parliamentary Assistant? Are we suggesting that somehow it's the frivolous and vexatious complaints that get sent to the local police force instead of another police force? I think it's very dangerous turf, because that undermines the system even further. Is it to be based on the gravity of the misconduct? I think that's very dangerous turf too, because minor misconduct can have as significant an impact on policing and the regard that the public has for policing as a major demonstration of misconduct. So I put to you, why aren't we considering a process whereby a proposal to have the police chief of that same police force investigate a matter be understood and ratified by the complainant?

I'm going to go on to the informal dispute resolution. I want to indicate that New Democrats think that there can be a very valuable role for informal resolution of complaints, and that could include mediation. But the really important safeguard that has to be built in here is 100% voluntariness on the part, quite frankly, of both the parties. There has to be, far beyond what's stated in the statute so far, in the bill so far, an assurance that a party—and in most cases, the complainant—who is going to be invited into a mediative process or an informal dispute resolution process does so without feeling any pressure whatsoever about using that process and that this isn't being used to simply deal with complaints by, let's say, weaker complainants who can be arm-twisted or bullied or lured into the informal complaints procedure.

Once again, it goes to the need for an assurance from this government that there will not be complainants who want or desire assistance who don't get that assistance. And of course, I'm speaking about impecunious complainants, people who don't have means. That, I suspect—I don't know for sure—is where most of it's going to come from.

The reality is that Bridle Path folks—you know, the ones wheeling around in those cars with names that I can't pronounce, that aren't made here in North America—the Bridle Path types, the ones out on Mississauga Road there, north off the QEW—you drive past the parking lot of Pusateri's up there on Avenue Road and you see all the Audi eight-cylinders and the Lincolns and the Cadillacs. Those are the servants' cars. When you see a Mercedes-Benz E series, that's the cleaning lady who's gone to pick up some groceries.

These people don't tend to get involved in altercations or exchanges with the police a whole lot that result in



allegations of police misconduct. It's just a fact of life. So Conrad Black and Babs Amiel—neither of whom has any business in this country, in my view—are not the types who are going to get involved in altercations where there's going to be a complaint of misconduct.

So where in the bill, Mr. Parliamentary Assistant, is the provision that provides assurance that parties to the process will have legal representation? In the vast majority, if not of all situations, police associations are going to ensure that police officers have legal resources, aren't they? And there's nothing wrong with that, is there? But surely if police officers are going to have legal representation, the complainant has a right to that as well.

I want to speak a little bit about the standard of proof. I recognize that Judge LeSage dismissed the adoption of the civil standard and found on the side of the clear and convincing evidence standard. Mr. Zimmer knows what this means; Ms. Elliott knows what this means; Mr. Sterling does. They've raised the bar considerably. One of the things that perplexes community groups out there and perhaps is even bizarre for the subjects of complaints—police officers—is that while the balance of probabilities standard can get them found liable in a civil court, the balance of probabilities standard won't permit an adjudicator to make a finding of misconduct in the complaints process. It seems to me that the far broader and discretionary dispositions available in a complaints process—in the one being contemplated as well—would provide room for the more broadly accepted civil standard of balance of probabilities.

1730

Police officers are going to find that a highly objectionable proposition. But surely there's got to be a debate about this, because the clear and convincing evidence standard is unique. I appreciate that Judge LeSage refers to it, and bases his reference on the decision by the Ontario Court of Appeal, that it is slightly higher, but he also finds that the clear and convincing evidence standard does not appear to be used in any other province except Manitoba. Then there's the prospect of having different standards, depending upon the types of consequences that could flow—I think that's an interesting proposition, don't you?—where, when the nature of the misconduct being complained of is such that it could result in, for instance, dismissal, there could be a valid argument made that it should be the slightly higher standard of clear and convincing.

At the same time, if the misconduct is so serious that it would result in dismissal if there were a finding of misconduct, you're creating a higher standard with a lesser likelihood, in the context of scarce evidence, of there being a finding of misconduct. So it seems to me that a police officer who, like any one of us, hasn't had a whole lot of sleep the night before and may not be as polite as he or she should be or would want to be under normal circumstances to a member of the public, is complained about, that misconduct is not the sort of stuff, first of all, where the focus should be—although it has to be addressed because, for the person who's on the receiving end, it's as disturbing as even more serious forms of mis-

conduct—but there's a balancing act here in protecting the interests of a police officer and protecting the right of a member of the public to have a complaints process that's meaningful and relevant, so we don't create higher standards with the effect or impact of protecting police officers engaging in serious misconduct because there's a higher standard, albeit slightly, than the balance of probabilities from findings of misconduct. All I'm saying, Parliamentary Assistant, is that it seems to me that that warrants some more consideration.

What's noted, interestingly, by Judge LeSage—read the report, because it's well written and the footnotes are a valuable source of reference—is, “The clear and convincing evidence standard is not a standard that is referred to in Ontario statutes other than in the PSA, but it has been accepted as the relevant standard in the misconduct hearings of many professional bodies.” He seems to use that—and I don't want to draw conclusions on his part—as a justification for adopting it, because it's used as a disciplinary standard in other professional bodies. But we're not talking about other professional bodies here; we're talking about police officers, who carry guns, not inappropriately; we're talking about police officers, who can take away people's liberty, not inappropriately; we're talking about police officers, whose jobs are incredibly complex but who must be required to perform to very, very high standards.

Time is going to be a real problem in terms of addressing everything that I wanted to about this, so I won't have spoken to all of the areas of concern, and I apologize to people whose particular area of concern was omitted, but I'm sure others will cover it.

I want to talk about the issue around First Nations people. Judge LeSage—read the report—talks about the OPP, municipal police services and then the range of First Nations police services. I've got to tell you, I know other members have been to, for instance, the Timmins–James Bay area as well, and at least for the last 18 or 16 years or so, if you went to the Timmins–James Bay area, you were going with Gilles Bisson, of course, the member from Timmins–James Bay. But Bisson will take you, as will Howard Hampton, to First Nations communities in their huge, huge ridings. I've been fortunate to be able to visit these communities and the aboriginal police services in them. Again, you're talking about good, committed police officers being told to do dangerous and difficult jobs with broken tools or no tools, and the litany of just disgraces, whether it's the fire in the makeshift jail in Kashechewan, the police officer in Attawapiskat or Peawanuck who has a snowmobile with no rubber tread to travel with, a boat with no motor or a motor that doesn't work, or a jail cell the lock of which is broken, so he doesn't even have a lock-up to put people in.

Judge LeSage deals with the fact that there may well be First Nations police services that want to opt into this provincial complaints procedure. It means it's got to be accessible to them. We're talking about remote, remote communities. We're talking about communities that, when you travel to them, you're not even sure you're in



Canada anymore; you really aren't. But they're communities that are occupied by First Nations Canadians who have every right to oversight of their police, should that be their wish.

Look, I know the government is enthusiastic, and I've heard that the government's proposal was to pass this bill speedily. You've been hasty before, Mr. Parliamentary Assistant. It's only gotten you into trouble. Like your mother told you, "Haste makes waste." You should know better by now; you really should. Do you know what happens when you try to speed it up? You're under time constraints and you start to get careless, huh? You get committee members—Ms. Elliott has witnessed this in her short, but for her I'm sure it seems like long, time here at Queen's Park—government members who vote against their own amendments from time to time, amendments that are improperly drafted, sections that are voted upon with nobody on the committee having any idea, and not having a snowball's chance in Hades of ever knowing, what that section is about but voting on it anyway. Your grandmother told you that it's the slow, steady, cautious approach. That's how you got to where you are now. It's true.

I understand that you may well have been handed a script today that said, "Spin the speedy-passage line." Bad advice; please, it's bad, bad advice. Look, we've got all of next year's pre-summer session. The calendar tells us to come back in the spring. If you want to come back a couple of weeks early, the New Democrats are game. We're looking forward to a good parliamentary session before the election call. I hear you saying, "Oh, there's consultation, consultation, consultation." But it's got to be public consultation.

Did Judge LeSage do a good job? He did a brilliant job, but his report, he acknowledges, is not comprehensive. He deals with some of the issues and addresses some of the problems, and he provides recommendations. Look, it says "Recommendations." That's what they are: recommendations. You didn't follow all of them, did you, Mr. Parliamentary Assistant? Then you threw in little clunkers like section 97, which wasn't recommended at all. You know there are communities out there that are concerned about the very perfunctory way in which complaints can be deemed to be frivolous and vexatious and simply turfed, tossed, out of the system. You know that there are people out there who are concerned about the standard of proof. You know that there are people out there who are concerned, in sharing, that complainants have assistance, be it legal or otherwise, to help them weave their way through what will be a more direct but nonetheless, for many, still a complex process. You know that there are concerns out there about the manner in which the oversight body will simply pass along a complaint, either to the police chief of the force against whose member a complaint is being made, versus another force, versus a thoroughly independent investigative body. You know that there are folks out there who say that there can never be an effective and meaningful police oversight system that in any way, shape or form has the police investigating police.

1740

That means that, unless and until we resolve these concerns to the extent possible, we have a less than ideal system. One can't underscore enough how there has to be regard—well, look at the terms of reference, the very terms of reference your government gave Judge LeSage. They're your terms of reference. I would suggest and hope that they be referred to frequently. It includes the requirement that an oversight body have the respect and regard of the parties that are being, in many respects, governed by it.

I say to you this bill has to go out to committee. We're looking forward to participating in that committee process, suggesting that that committee process take place during the winter months. I know it's uncomfortable, but New Democrats are prepared to make that sacrifice and commitment.

When we come back in the spring for the spring session, we'll have this bill to deal with; we'll have the long-term-care bill, because that bill has to and should go out to committee as well; we'll have the land titles bill, because that bill should go out to committee, because you know there's some real polarization of perspectives about how to address the concerns raised. And don't, for the briefest of minutes, talk about how all of a sudden you've got a jag on about how you've got to get this bill passed. You introduced it in April 2006—the LeSage report was April 2005; you sat on the report for a year—and here we are, it's mid-October, and this is the first day of second reading. My goodness, Mr. Parliamentary Assistant. And now you want to speed it up? Come on.

**The Speaker:** Questions and comments?

**Mr. Bob Delaney (Mississauga West):** It's always a pleasure to listen to my colleague from Niagara Centre, a man who, in the three years that I've served here, I've come to realize actually has a fine legal mind—and for any out there who are watching, especially if you're a law student. The notes from this most recent lecture to the Legislature would probably make for a wonderful examination of the pros and cons, the upside and downside, the ins and the outs of the 103. But what people really want to know is, "What does this mean to me in the event that I feel unfairly treated in an interaction with a police officer?"

To borrow a phrase from the same member, back where I come from in Mississauga, where we've been the safest city in Canada for six straight years—and if you accept that Canada's probably the safest country in the world, that puts you pretty near the top of the pyramid in terms of dealing with police services. Still, people there need to know that the checks and balances are there. They need to know that the procedure is open, that it's clear and that it's transparent. That's what Bill 103 is all about. It's about making it open, it's about making it clear and it's about making it transparent. While it may not be perfect and it may not be about making it perfect, it's about making it workable.

My city of Mississauga is comfortable with the degree to which Bill 103 is based on Mr. LeSage's recommendations. Mississauga, in fact, feels that Bill 103 will



actually save some money over the longer term, as some of the costs of handling complaints would be shifted to the province. For example, the Independent Police Review Director would take over receiving and screening public complaints. That's currently the responsibility of the police. He would also be conducting some investigations of police officers—again at its own expense—that otherwise would have been sent out to another police board for investigation at the expense of the police services board. Furthermore, some of the costly appeals to Divisional Court would be mostly eliminated.

This one's pretty easy. Let's get on with it.

**Mr. Norman W. Sterling (Lanark-Carleton):** I'd like to congratulate the member for Niagara Centre for what I thought was a really good speech, part of the debate with regard to Bill 103. I thought it was a non-partisan intervention and an expression of willingness to work with the government to make this bill better during the committee process. I hope the parliamentary assistant will listen to that, because I think this is the type of bill where the opposition parties can be constructive during the committee process. But in order for the parties on this side to participate in a constructive manner, there must be some willingness on the part of the government to listen and to accept some of the arguments put forward from this side.

I must say that Mr. Kormos's argument for a slow process is one which I endorse. In fact, I would have preferred that last April the government would have immediately put this bill out to committee after first reading, because this bill cries out for that part of our process. If they had done that, it would have allowed the parties to sit in a committee room and listen to Mr. Marin from the Ombudsman's office, police officer associations, chiefs of police and police officers talk about the impact of this bill, and all members could have understood it well before it was called for second reading.

The kind of process that is set up in Bill 103 requires careful consideration and careful balance. That can only be done, I believe, in a committee setting where the government is willing to listen and adopt some of the suggestions put forward by witnesses and members of the opposition.

**Ms. DiNovo:** I commend Mr. Kormos for his eloquence and his research. Just to reiterate what he was saying, which I haven't heard a response to yet: that we need the oversight of the Ombudsman; that we need funding for counsel for complainants and that that be a multilingual process; that if police have representation, then why not complainants; and that our aboriginal brothers and sisters be included in this in some meaningful way.

I also add to that, the Toronto Police Accountability Coalition maintains, "The bill does not guarantee that an independent investigation will be done. In fact it leaves the assumption that most complaints will be investigated by the police, as they now are. Given that speed and first access are important to accurate investigations," they say, "this is a reason for concern. It is of little assistance to know that after the police have completed their investi-

gation, perhaps taking two months, the police report will be submitted to the director who can then wonder whether the investigation has been done in a satisfactory manner. One fears," they say, "that the lack of a guarantee of an independent investigation will mean that the bill is not much of a step forward."

I bring your attention to the fact that even police whistle-blowers—we all remember the movie *Serpico*. Were we to have a *Serpico* in our midst, that person may not be allowed to bring forward their complaint, so this doesn't particularly serve the police themselves.

All in all, I hear from this side of the floor a recommendation that this be given further study, that this go to committee, that it go to truly public hearings and that it's not there yet.

**Mr. Zimmer:** I have two points. With respect to section 97, it says, "The Ombudsman Act does not apply." That's correct. You should keep in mind, members, that since 1990 the Police Services Act has not provided that the Ombudsman has any jurisdiction to get involved in these complaints. If this act is passed, that won't change the status quo. What's the reasoning behind that? If you read through the LeSage report, all 27 recommendations, not one of his recommendations recommended the involvement or oversight of the Ombudsman.

Further, it's important to keep in mind that those decisions that are made by the independent police review director are always, always subject to judicial review. You can never exclude judicial review. So if that director exceeds his or her jurisdiction in some way, if it doesn't make the right decision, that decision itself is always subject to judicial review.

**1750**

I just wanted to say a word about the point that there's no way for people whose first language or perhaps second language is not English, recent immigrants and so on—how are they going to inform themselves of what's going on in the act? You should keep in mind that subsection 58(4)—and I'll just read it: "The Independent Police Review Director shall"—shall—"provide publicly accessible information about the public complaints system under this part and shall"—shall—"arrange for the provision of assistance to members of the public in making a complaint." The intent behind that section is to address the point raised by the member from Niagara Centre about people who are struggling to understand the system, so in section 58 there's a positive duty on the part of the commissioner to make that information available.

**The Deputy Speaker:** The member for Niagara Centre, you have two minutes to respond.

**Mr. Kormos:** I appreciate the comments of all the members. I do want to thank the member for Parkdale-High Park for raising the observation—of course that's section 58 of the bill, what would be 58 of the amended act. She's bang on. It prevents a police officer from making a complaint to the oversight body about another police officer in his same police force—very strange stuff.



I appreciate the parliamentary assistant and his reference to the duty of the director to engage in public education. Another damned website, huh? The Kinsella kin aren't rich enough? Come on. You could have a press conference and the Attorney General's going to announce yet another website that the taxpayer is paying for? That's silliness. What we're talking about is the fact that a police officer almost inevitably is going to be represented by counsel. Where is the government's assurance that complainants will have the same access to counsel to give them legal advice before they make the complaint, in the preparation of that complaint, and to lead them through the various options that they'll be confronted with or could be confronted with after the complaint is made? That's what we're talking about. You know darned well that's what we're talking about. I've known you for three years now. Don't try to pretend you don't know what we're talking about, Mr. Parliamentary Assistant.

So I simply want to reiterate—look, wouldn't it be a wonderful endorsement, what public confidence would be generated, if all three parties at the end of this process could stand together and agree that we'd all worked together to create the best possible police complaints procedure? That could happen. With this government's attitude, it's not likely.

**The Deputy Speaker:** Further debate?

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I appreciate the opportunity to speak on this bill, Bill 103, for a few moments anyway. I want to congratulate the Attorney General and his parliamentary assistant for bringing forward this legislation. I think it's an important piece of legislation, An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act. This is something long overdue, and it would be great if everything could be done as soon as possible. We have taken some time. I think the Attorney General is justified in going to consult with the police and other interest groups before bringing it to this point here today, because you don't want to ambush the police, and you don't want to ambush other interest groups as well, by suddenly introducing this bill without letting them know that it's going to contain certain provisions, because these provisions, in my view, are quite strong.

The fact that for the first time there's an independent and transparent police review system is something that I think is quite significant for the province of Ontario. The fact that the public has the option—it's a new option—to bring forward a concern to an independent civilian group, a police review director, so that this new group can intake, process and screen the police complaint. It's something that's different from what we presently have, because at present, when someone wants to complain against something the police have done, they have to go to the police, which creates a number of problems. We all deal with constituents at the local level and we all see our constituents when we have our constituency days, either on Fridays or on weekends or whenever. We have time set aside for that. But inevitably someone will come in

and speak to me about a complaint they have about the police, and they feel intimidated because they don't want to go directly to the police department to complain about the police. It's kind of odd, in a way, to do that, because you're going right to the place you're complaining about, and you know, or you feel sometimes, that you might not get a fair hearing.

Here, you have an opportunity, through this legislation, to allow the complaints to be made directly to this new board, this new review system, and allow that independent police review director to review your complaint. It doesn't mean that we don't trust the police system at all. In fact, we listened carefully, and there was a report done by Justice LeSage. He made it clear that the police should still have the right or the opportunity to be involved in that review process and also to have the board or this new independent review board weed out some of the complaints that will not be of any real significance. So you'll be able to weed out some of the complaints that aren't really valid, but at the same time this review board can take in valid complaints, look them over and then decide whether or not to proceed further with that complaint. I think it instills more confidence for the public, and it also instills more of a sense of fairness and a sense of justice out there. The police themselves should have nothing to be afraid of as well, because this system allows them to defend and/or respond to any complaints that are made against them, either individually or as a police service.

So the legislation is something that I think is ready for this time and for this day and for this age. I think that to have an independent board review the police, and do so in this fashion, is something very important. Whether or not we make touch-ups to the bill and the other parties get involved, certainly I do support this bill going to committee and being looked at, and if any amendments or changes need to be made at that time, then certainly they need to be heard, considered and looked at. We don't know, at the end, what those changes will be, but up to now Mr. LeSage, in order to prepare his report, travelled across the province and met personally with over 85 groups and individuals representing the police, community groups and the general public. He has reviewed numerous additional written submissions and held three large public meetings. So we have started on that process.

I think that is the right way to start: Allow Mr. LeSage to bring forward his report, which he has, analyze that report, draft the proper legislation, bring it forward here for second reading, then take it to committee and have it dealt with there, and when that's done, hopefully come back for third reading and make the necessary final amendments so that we have a proper system in place.

Those are my comments. I see the time is winding down, unfortunately. Hopefully, we can continue this debate soon.

**The Deputy Speaker:** It being 6 of the clock, this House is adjourned until 6:45 of the clock.

*The House adjourned at 1759.*

*Evening meeting reported in volume B.*

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# CONTENTS

Monday 16 October 2006

## MEMBERS' STATEMENTS

<b>Native land dispute</b>	
Mr. Barrett .....	5457
<b>Identity theft</b>	
Mr. Ruprecht.....	5457
<b>Premier of Ontario</b>	
Mr. Klees .....	5457
<b>Hope for Leukemia Awareness Day</b>	
Mr. Brownell .....	5458
<b>Winter storm in Niagara region</b>	
Mr. Hudak.....	5458
Mr. Kormos .....	5458
<b>Pierre Elliott Trudeau</b>	
Mr. Racco .....	5458
<b>Diwali</b>	
Mr. Balkissoon.....	5459
<b>National Science and Technology Week</b>	
Ms. Smith.....	5459

## MOTIONS

<b>House sittings</b>	
Mr. Bradley.....	5459
Agreed to .....	5460

## STATEMENTS BY THE MINISTRY AND RESPONSES

<b>Seat belts</b>	
Mrs. Cansfield .....	5460
Mr. Tory .....	5461
Mr. Kormos .....	5462
<b>Citizenship Week</b>	
Mr. Colle.....	5460
Mr. Klees .....	5462
Mr. Tabuns.....	5463
<b>Ontario Public Library Week</b>	
Ms. Di Cocco.....	5461
Mrs. Munro .....	5462
Mr. Marchese.....	5463

## FIRST READINGS

<b>Highway Traffic Amendment Act (Seat Belts), 2006, Bill 148, Mrs. Cansfield</b>	
Agreed to .....	5463

## ORAL QUESTIONS

<b>Native land dispute</b>	
Mr. Tory.....	5464
Mr. McGuinty .....	5464

## Government advertising

Mr. Tory .....	5465, 5468, 5472
Mr. Smitherman .....	5465, 5468
Mr. McGuinty .....	5472

## Employment

Mr. Hampton .....	5466
Mr. McGuinty .....	5466

## Education funding

Mr. Hampton .....	5467
Mr. McGuinty .....	5467

## Affordable housing

Ms. DiNovo.....	5469
Mr. Gerretsen .....	5469

## Violent crime

Mr. Sergio .....	5469
Mr. Kwinter.....	5470

## Emergency services

Mr. Yakabuski.....	5470
Mr. Smitherman .....	5470

## Workers' compensation

Mr. Hampton .....	5471
Mr. Peters .....	5471

## Renewable fuels

Mr. Crozier.....	5471
Mr. Duncan .....	5472

## Cancer treatment

Ms. Martel.....	5473
Mr. Smitherman .....	5473

## Ontario Public Library Week

Mr. Brownell.....	5473
Ms. Di Cocco .....	5473

## PETITIONS

### Water quality

Mr. Yakabuski.....	5474
Ms. Scott .....	5476

### Identity theft

Mr. Ruprecht .....	5474
--------------------	------

### Highway 417

Ms. Scott .....	5474
Mr. Yakabuski.....	5476

### Municipal restructuring

Ms. Martel.....	5474
-----------------	------

### Fair access to professions

Mr. Delaney.....	5475
Mr. Ruprecht .....	5475
Mr. Flynn .....	5476

### Macular degeneration

Mr. Dunlop.....	5475
-----------------	------

### Landfill

Mr. Sterling .....	5476
--------------------	------

### Electricity supply

Mr. Miller.....	5477
-----------------	------

## SECOND READINGS

### Independent Police Review Act, 2006, Bill 103, Mr. Bryant

Mr. Bryant .....	5477, 5481
Mr. Zimmer .....	5478, 5484, 5493
Mr. Miller .....	5480
Mr. Kormos .....	5480, 5484, 5486, 5493
Mr. Flynn.....	5480
Mrs. Elliott.....	5481
Mr. Dunlop .....	5481, 5485
Mr. Hardeman.....	5485
Ms. DiNovo .....	5485, 5493
Mr. Delaney .....	5492
Mr. Sterling.....	5493
Mr. Berardinetti .....	5494
Debate deemed adjourned.....	5494

## OTHER BUSINESS

### Visitors

Mr. Smitherman.....	5463
Mr. Watson .....	5463
Mr. Peterson.....	5464

## TABLE DES MATIÈRES

Lundi 16 octobre 2006

## PREMIÈRE LECTURE

<b>Loi de 2006 modifiant le Code de la route (ceintures de sécurité), projet de loi 148, M<sup>me</sup> Cansfield</b>	
Adoptée .....	5463

## PÉTITIONS

### Restructuration municipale

M <sup>me</sup> Martel .....	5474
------------------------------	------

## DEUXIÈME LECTURE

<b>Loi de 2006 sur l'examen indépendant de la police, projet de loi 103, M. Bryant</b>	
Débat présumé ajourné .....	5494



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Second Session, 38<sup>th</sup> Parliament

**Assemblée législative  
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Deuxième session, 38<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 16 October 2006**

**Lundi 16 octobre 2006**

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Honourable Michael A. Brown

Clerk  
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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 16 October 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 16 octobre 2006

*The House met at 1845.*

### ORDERS OF THE DAY

#### ACCESS TO JUSTICE ACT, 2006

##### LOI DE 2006 SUR L'ACCÈS À LA JUSTICE

Resuming the debate adjourned on October 5, 2006, on the motion for third reading of Bill 14, An Act to promote access to justice by amending or repealing various Acts and by enacting the Legislation Act, 2006 / *Projet de loi 14, Loi visant à promouvoir l'accès à la justice en modifiant ou abrogeant diverses lois et en édictant la Loi de 2006 sur la législation.*

**The Acting Speaker (Mr. Michael Prue):** My understanding is that on the last occasion, Mr. Kormos had finished his debate. The rotation now goes to the governing party.

**Mr. Bob Delaney (Mississauga West):** It's a pleasure to stand and speak on Bill 14 tonight. People will say, "What is it that Bill 14 does?" Bill 14 is a collection of things that just do a little bit of cleanup on some of the measures that improve, as the act says in its title, access to justice. I'm going to talk about a few of the provisions of the bill, specifically three: amendments to the Justices of the Peace Act, amendments to the Provincial Offences Act and amendments to the Legislation Act.

Let me start with the Justices of the Peace Act. One of the first contact points that most people have with the justice system is, if they are before a court, very often they're before a justice of the peace. Many of the justices of the peace, indeed most of them, do a very good job, and people might often say, "Well, not all of them are lawyers. Where exactly do justices of the peace come from?" One of the things this act does is codify where justices of the peace come from. It modernizes the JP bench—"JP" being, of course, justices of the peace—by creating something that hitherto had really not existed: minimum qualifications for justices of the peace.

Now, you might think, if you're going to appoint someone a justice, surely to heaven somewhere there's a job description, a set of hiring criteria, a process by which you're evaluated, a process by which, after performing as a justice of the peace, people can file complaints or discipline, where you get your review; in

fact, many people would be surprised to find that hitherto there wasn't.

One of the things this act does is modernize that process for selecting justices of the peace. It creates minimum qualifications for JPs. It updates the complaints and discipline process. It creates a Justices of the Peace Appointments Advisory Committee that, among other things, advertises for positions—which has already happened—interviews and recommends JP candidates. The bill also allows for appointment of per diem JPs. What is a per diem JP? "Per diem," of course is derived from the Latin, meaning "per day." Retired JPs, for example, can be assigned to specific proceedings, perhaps on a temporary basis. For example, Provincial Offences Act proceedings can be assigned when other JPs are not available, when the workload may permit or whatever.

Committee amendments, when this bill went to committee, recognized the need to enhance aboriginal representation and also diversity on the JP bench by providing that a JP familiar with aboriginal affairs will always be part of the appointments committee.

#### 1850

In my last two minutes, I want to cover two other very short points. Amendments to the Provincial Offences Act would improve efficiency by allowing witnesses to testify by video conferencing. Supposing, for example, you live up in Barrie or somewhere out of town and there's a court proceeding going on several hours' drive from you. Maybe your part in it would be to say, "Were you in such-and-such a place at such-and-such a time? Did you take this picture? Are you familiar with this piece of evidence?" This would allow you to do it by video conferencing.

For example, it wouldn't give up to counsel the right to cross-examine someone; it would just mean that instead of physically being present and physically having to travel, perhaps in bad weather for an hour, two hours or whatever, you can video-conference your way in—perfect sense in the 21st century.

The other one that makes sense in the 21st-century context is to recognize modern practices and technology that regulate the ways laws are publicized and interpreted. In other words, the e-Laws that are published on the official websites would then become the official version of statutes. Right now, the official version is what is printed on paper, and in this case, the only change would be that the official version, instead of being etched on paper, is in fact etched in silicon.



Those are the three major parts of the Access to Justice Act, Bill 14, that I had planned to address. Certainly, with an IT background, I see very little risk to Ontario in having people give testimony by video conferencing. At the moment, in most businesses, the electronic version is the official version. I think, in this case, it would be a good time for government to catch up and be where everybody else is in the 21st century. Thank you.

**The Acting Speaker:** Questions and comments?

**Mr. Robert W. Runciman (Leeds–Grenville):** I appreciate the member's intervention. I guess it's not an intervention; it's really a contribution to the discussion this evening surrounding Bill 14.

I am not sure if we have any paralegals in the gallery—I guess we have one. I felt, by the volume of e-mails we've all been receiving over the past couple of weeks, that the galleries would be filled this evening, but that is not the case. That is unfortunate in some respects, because hopefully it would have an impact on the members of the government, who have made a decision to allow their leadership effectively to pass this legislation which potentially could have a dramatic impact on the ability to make a living for many in the paralegal profession. More importantly, it may have a negative impact in terms of the bigger question related to the title on this legislation, "Access to Justice."

I think that should be a concern of each and every member of this assembly. You would hope that the intent of this legislation would be to improve access, to increase access for every citizen in this province, especially those who are less fortunate in society, those low-income earners, those who go through a variety of challenges in their lives, to provide them with options. They have to look at, perhaps, a high-priced lawyer—and I say "high-priced" in the sense of several hundred dollars an hour—to review their case and make representation on their behalf, or a paralegal which they can afford, versus no representation. And unfortunately, in too many situations, it's no representation.

**Mr. Peter Kormos (Niagara Centre):** The government member for Mississauga West made his comments with breathtaking brevity. I listened carefully and I appreciate his participation in the debate. I think it's important. One of the reasons why we have debate here is so that folks we represent know where we stand on any number of bills that go through this House, and why we're voting the way we're voting, for those bills or against them. In the case of Bill 14, the sad observation is that this bill has been hurried and rushed and that the flaws in the bill erupted during the course of trying to ram this bill through the committee.

I know we're going to hear the member for Leeds–Grenville, Mr. Runciman, in but a few minutes do the lead for his caucus, his analysis, his critique of the bill. Sitting on that justice committee with Mr. Runciman was a delight, because there is something to be said for experience here, and Mr. Runciman, as a long-time member of the Legislature, by now thought he had seen it

all. But his jaw struck the table with the same force as more junior members of that committee when he saw a bill, Bill 14, that was so thoroughly flawed and when he saw a total failure on the part of the government to reconcile some obvious contradictions: the fundamental observation and the fundamental reality about this bill, as has been noted by Mr. Justice Cory, amongst others, that there's an inherent conflict of interest between lawyers and paralegals. The fact is that nobody disputes the ability of the law society to regulate paralegals, but nobody disputes the ability of the Ontario College of Physicians and Surgeons to regulate lawyers. There's a conflict of interest. The government had every opportunity to address that and didn't do that. This bill shouldn't be in third reading. This bill should still be in committee or, more importantly, more significantly, it should be withdrawn until it's prepared properly.

**Mr. David Zimmer (Willowdale):** If I may just address the member from Niagara Centre, he spoke about conflict of interest of the law society. I think members of the House should bear in mind that, under the act, the law society is setting up a paralegal committee. It's the paralegal committee that is going to be the principal overseer of the paralegal community.

Now, how is that committee of the law society made up? It's made up with a majority of paralegal members of the law society. There are a number of lawyers on it, but paralegals have the majority. More importantly, the chair of that paralegal committee will be a paralegal. The paralegal committee, then, will govern and report to the law society. But that committee is a very, very powerful committee. Think of it: Paralegal members are now paralegal members of the law society, with their own committee; the majority of the votes on that committee and the chair is a paralegal—the power to set the agenda, the power to oversee the work of the committee.

My second point that I would like to make: We talked about equal justice. In fact, the regulation of paralegals contributes to equal justice in this way: Right now if someone goes and hires a lawyer, the lawyer has insurance to cover errors and omissions, the lawyer is subject to a strict code of conduct, and the lawyer is subject to a disciplinary process if he breaches his or her obligations as a lawyer. Under the paralegal regulation, the paralegals will now—guess what?—like lawyers, they will be required to have insurance to protect against negligent claims, errors and omissions; they'll be subjected to a professional code of conduct and disciplined for breaches of that code of conduct, and they'll be subjected to very strict requirements about training so they can carry out their duties. It's equal justice for all.

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** I just wanted to comment a bit as we commence debate on Bill 14. As we know, the title is the Access to Justice Act. People have a perception when they see a title like this. They actually expect a bit more than a discussion of the appointment of justices of the peace or a discussion of some of the issues that paralegals have brought forward to us for a number of years. The title, obviously,



does not mention paralegals; it does not mention any reference to justices of the peace. I'm just concerned, and there is talk, that in spite of the title, "Access to Justice," the question remains: What does this have to do with justice? I'm suggesting a bill that perhaps has been misnamed.

It reminds me of the source water protection legislation we've been debating recently. Over time, there was a change in direction of public relations initiatives, if you will, and the source water protection legislation—we'd used that term for years and years; really, since the Justice O'Connor recommendations—and it was given the title the Clean Water Act, not that water protection was necessarily and solely focused on clean water. It suggests to me that this government has a strategy. It's a strategy of saying what they think people want to hear. They understand that people understand that "justice" has a nice ring to it.

But that doesn't necessarily mean the legislation we're debating tonight concerns justice. It reminds me of a change in wording, something we became aware of in that book by George Orwell, where, for example, the Ministry of Love was responsible for punishment.

1900

**The Acting Speaker:** The member for Mississauga West.

**Mr. Delaney:** I appreciate the comments by my colleagues from Leeds–Grenville, Niagara Centre, Willowdale and Haldimand–Norfolk–Brant. I remind them, of course, that the status quo for paralegals is still caveat emptor, or buyer beware; that there is in fact, at the moment, no framework, no standards whatsoever for paralegal work; and that the provisions of this particular bill are intended to benefit consumers and to create a level playing field for all who practise the law.

To my colleague from Niagara Centre, to use his own words, "breathtaking brevity"—I take that as high praise for any politician. It does remind me of something I learned when I was involved in the practice of public relations and advertising and writing copy, which goes as follows: "The job is not done when there's nothing left to put in; the job is done when there is nothing left to throw out."

I especially appreciated the comments of the member from Willowdale, who put his usual impartial structure and his dispassionate logic to work in explaining some of the truly exhaustive work that has gone into this bill. This is a bill with which he has been involved for months and months. He deserves a lot of credit for the great deal of work that he has done. What it's done, as I said earlier, is to bring a system of checks and balances, to protect the people who practise any branch of the law, be they lawyers, be they paralegals, and especially be they consumers who actually need representation. I certainly congratulate him and the Attorney General on the excellent work that they've done throughout this bill, and I certainly look forward to its passage.

To the member from Haldimand–Norfolk–Brant, I guess he's still against clean water, even though we're not debating Bill 43 tonight.

**The Acting Speaker:** Further debate? This is the leadoff.

**Mr. Runciman:** A little delayed, Mr. Speaker, but this is the leadoff. I want to thank my colleague Mrs. Elliott, who is now officially the full-time critic for the Ministry of the Attorney General. I'm not sure what my title is, but I'm going to be in some way, shape or form, hopefully, supporting her as time goes by with respect to this portfolio, because there are certainly more than enough concerns surrounding the Attorney General's ministry in this province for two people to take on that challenge.

I appreciate the opportunity. I'm told there are a few paralegals in the public galleries, and hopefully we'll see more and more of them involved and engaged come September 2007, leading into October 4, 2007—I believe it is October 4—with respect to not just this piece of legislation but other failures of the provincial government with respect to so many promises we heard this government make when they were in opposition and running for election and their failure to keep them. We've heard this theme over and over again—saying anything to get elected—and certainly that was the case in the justice file as well.

I want to mention a couple of process things here with respect to Bill 14. Being in government for a little over eight years and being House leader of the official opposition, I haven't had, certainly in government, the opportunity to serve on standing committees of the Legislature. As House leader, I am not a member of a standing committee, so I haven't had that many opportunities to sit in on committee for quite a number of years, so this was the first extensive time since my earlier years in opposition. I have to say how impressed I was with the member for Whitby–Ajax, who is a very new member of this assembly and a very new member of our caucus but a very experienced lawyer and very articulate, very capable and, I have to say, very, very impressive in terms of the way that she handled the issues and represented the interests of so many people who feel let down by this legislation, to say the least.

I also want to comment on another member who sat on the opposition side of the committee room. He is the House leader for the third party, the NDP: Mr. Kormos. Niagara Centre is his riding. I certainly have known Mr. Kormos, the member, for a great many years, and we've been in opposition together in the past. We shared critic responsibilities in the past early on in the auto insurance file when Mr. Kormos set the record for speaking in this place. I forget what it was, 15 or 16 hours—

**Ms. Shelley Martel (Nickel Belt):** Seventeen.

**Mr. Runciman:** Seventeen hours. I followed him. We were the third party then, and I spoke for seven hours. That was pretty exhausting for me, but Peter's younger—

*Interjection.*

**Mr. Runciman:** Yes, at least he had a little more energy back then. But I have to say that sitting with him



on the opposition benches in committee was certainly refreshing and really reminded me of his outstanding abilities, his insights with respect to the justice system. Whatever you may think—I know that when I was sitting on the government benches, as I did for eight and a half years, there were times when I was upset with the member for Niagara Centre, but I always respected his ability to represent the constituency that his party speaks for in this place. We certainly need those voices, and he does it in a commendable fashion, and has done so for years. I wanted to put that on the record.

I also wanted to, about the process, express my concerns about the lack of participation by members of the governing party. I'm not trying to be critical of individual members; that's certainly not my intent. But the fact of the matter is that we had sort of a revolving-door process in that committee, where very few people were there on a consistent basis to hear the testimony of witnesses coming before us. If you're not there on a consistent basis to hear that kind of input and receive that kind of input, if you're looking at it from the sidelines, you have to wonder how anyone can be really objective about the process, sincere about the process: "We're really listening and we're going to make sure that your concerns are addressed in the final version of the legislation." All of the messages from the government benches in committee were the wrong ones in terms of public perception, certainly from my side of the aisle, especially when we heard so much rhetoric from this government when they were in opposition and since they've assumed office with respect to democratic renewal, giving backbenchers a greater role in the business of this place.

That process, from my perspective, put the lie to all of those claims. The reality is that members were there because they were either asked or required by their chief whip to be there. They weren't there because of any genuine interest in the subject matter or to play any meaningful role, because they were only there for a day or two or three, and then they were gone. I think what was perhaps the most disturbing for us sitting on the opposition chairs was the fact that when we went through clause-by-clause consideration of the legislation—for those people who are viewing and may not be familiar with the process here, that is when the opposition parties bring in amendments and when the government brings in amendments. We debate those amendments, we vote on those amendments and that ultimately results in the final version of the bill that comes to this House for third reading and passage.

**1910**

There's a situation where three out of the five members who represented the government during clause-by-clause had never sat through one day of the committee hearings process. They hadn't heard one witness; not one witness. So they're there—three out of the five government members sitting on that committee who are going to put up their hands—and they're going to vote on the amendments without hearing one word of testimony

before that committee. What does that say to you? What does that say to any caring Ontarian who looks at the processes in this place and likes to believe that their vote counts, that the person representing them is actually representing them when it matters in this place, when they're making decisions, when they're voting? What kind of signal does that send out? I think it's a very, very depressing signal about the situation in the province of Ontario.

I don't want to be solely critical of the government that happens to be the government today, because I've been around this place for a long time and I've seen governments of all three political stripes operate in much the same way, and it's truly, truly unfortunate. I think it's a significant cause for the loss of enthusiasm, the loss of interest, the loss of caring about the democratic processes in this province and in this country, because they are not truly democratic, in that individual members have lost their way. They are all now, and have been for some period of time, people who obey—and I don't think that's too strong a word—the direction of the chief whip of their party when they're in government. We saw that very, very clearly during this committee process, where you had people there who did not hear one moment of testimony voting on critically important amendments to the legislation and simply doing whatever the whip of the committee told them they should do—if you're voting yes or you're voting no. You're simply there to put your hand up.

I know that—I could sense, anyway; I shouldn't say that I know—in certain situations during the course of the debate, when perhaps we were talking about medical malpractice, which my colleague Mrs. Elliott spoke so eloquently about, and whether we should have structured settlements or lump sum settlements, I could sense that those members who had not been there for the hearings were affected by the debate and the discussion, even though they didn't participate for the most part, and, if they had their own way, would probably have supported the opposition amendments with respect to—I won't talk about medical malpractice in this situation, but there were other elements of the discussion and amendments put forward by the opposition that I think, in a truly democratic system, we could have seen support from government backbenchers and dramatically improved this piece of legislation.

I've spent a fair amount of time on process, and I wanted to put those concerns on the record. I didn't want to be terribly partisan here, because I've seen these faults occur with all three parties in government. I have some hope with the leader of my party, Mr. Tory, that he is very sincere about seeing that change if we have the good fortune to form the government next year. We certainly heard the rhetoric from the other side, and, truly regrettably, that's all it has been.

I do want to talk about this legislation in a little more detail. I guess you'd say that they threw everything but the kitchen sink into this. Both opposition parties had indicated to the government, to the Attorney General, an



interest in moving forward with regulation of paralegals, and the Attorney General, on a number of occasions, had indicated his interest in doing that. But I think we all assumed that this would be stand-alone legislation, that we would be dealing with this single important issue: the regulation of paralegals. Of course, we now know that it was anything but a stand-alone piece of legislation. It covered a whole range of issues, some of them quite controversial. I mentioned the medical malpractice issue. That's just one of them, and I'll get into a number of others as I go through my commentary this evening. But it's certainly unfortunate. I think we could have dealt with a stand-alone piece of legislation on paralegals in a much more timely way. That was the indication and I think that was the commitment from the opposition parties. At the end of the day, we may still not have agreed on the direction the government's taken here, but I think it wouldn't have been as involved in terms of public hearings and in terms of the length of debate required on second and third readings.

I think it's fair to say that the public hearings were dominated by witnesses who wanted to deal with the paralegal elements of this legislation. I'm not sure what the ratio would have been, but I'm guessing probably 70% to 75% of the witnesses who appeared were appearing to talk about that particular part of the bill.

I have to say that going into this process, when the issue of the Law Society of Upper Canada being the regulator was raised with me, I was not opposed to it; I think I was quite receptive to that as a possibility. I met with a number of folks and with representatives of the Law Society of Upper Canada when this was raised and certainly indicated that I was open to that, as the critic for the party at the time, and not opposed. I think that my view of this has evolved. I stressed to you the importance of witnesses and the importance of listening to witnesses and hearing the kind of testimony that comes before a committee in the public hearing process. That affected me and affected my view of who should be the regulator and who should not be the regulator.

As I said, it was an evolutionary process in learning more about the subject and in studying some of the commentary that had been made in the past with respect to this initiative from Justice Cory and Dr. Ianni, who was the dean of the law school at the University of Windsor. Both of those gentlemen, who had conducted reviews and made recommendations to the governments of the day with respect to regulation of paralegals, had recommended against regulation by the Law Society of Upper Canada, and stressed, in no uncertain terms, their rationale for those recommendations. Over time, I came to share that perspective.

There were contributions made by witnesses who suggested alternatives to the Law Society of Upper Canada. I think there was a sense, an agreed-upon perspective, that paralegals themselves are not ready for self-regulation. There were some witnesses and testimony with respect to attempts to encourage the development of a body that would assist them in a movement

toward self-regulation, but for a variety of reasons that wasn't successful.

At the same time, there are a number of issues surrounding conflict—which I know the parliamentary assistant has and will disagree with—a whole range of other considerations, especially if you reflect on the commentary by people like Justice Cory. I know I have a quote in here from Justice Cory, which I think has been used by others: "It is ... fundamental ... that paralegals be independent of ... the Law Society of Upper Canada." This is Justice Cory, and the dean of the University of Windsor law school echoed that refrain as well.

When you have folks of that calibre saying those things, I think it reinforces much of the testimony we heard during the hearings process. It certainly helped to persuade me that it wasn't the right direction and that the alternatives that were proposed were reasonable and made sense. I think they would have, by and large, received significant support from all, not just the paralegal profession but probably most of the legal profession as well. I think the concern was surrounding regulation itself.

#### 1920

The recommendations were that government regulate. This is not a unique kind of perspective; this is not groundbreaking. This is something that the government has played a role in for many, many years in terms of regulation of a variety of industries and professions. We've seen a significant movement over the past 10 years toward self-regulation, but having served as a former consumer minister and being involved in some of the self-regulation evolution, I know that this is a process that could work. But I think what was suggested by some of the witnesses was that currently the Ministry of Government Services would assume the responsibility for regulation, but with the goal in mind over a period of time of encouraging and assisting the profession itself to move toward self-regulation. Whether that's five years or 10 years, that would be the ultimate goal. That certainly is a process that has worked in the past, and I see no reason why it could not work in the future. But, for some reason, I don't believe it was even a consideration of the Attorney General, and only the Attorney General can explain to us why it wasn't, why he didn't give that appropriate consideration.

Was it a cost factor? I'm not sure, because there are going to be costs associated with providing assistance to the Law Society of Upper Canada in moving in this direction. So I'm not sure why that decision was taken, but at the end of the day our party, the Progressive Conservative Party, believes that that would have been the appropriate direction—regulation through the Ministry of Government Services, with the clear intent over a period of time, when the profession and the government felt it was appropriate and that the profession itself was ready to make that move, self-regulation would become a reality.

But now we've gone down a path that I think virtually rules out self-regulation. What you're talking about here



is transferring this responsibility to the Law Society of Upper Canada. I don't see a day under this legislation where self-regulation is in the cards, and certainly was never referenced by the government, the parliamentary assistant or the minister that this was some sort of endgame; we're going to move this toward the Law Society of Upper Canada but over a period of 10 or 15 years, or five years, whatever it might be, that we see a light at the end of the tunnel in terms of self-regulation. If that commitment was made, I don't recall it. If the parliamentary assistant responds later and indicates that that was the case, we'd love to see something in writing with respect to that, and I'm sure paralegals would love to see something in writing with respect to that. But I don't see it happening.

I talked about the process, and I know that probably some of us, if not all of us, have been flooded with e-mails over the past couple of weeks from paralegals who are very concerned and want the bill amended now that we're into third reading. Of course, most people I don't think have an appreciation of the process in this place. It's pretty rare, when you get to third reading, that we're going to go into committee of the whole and amend a bill on third reading. That just is highly unusual. But people generally don't understand the process, and so they make a request of this nature and unfortunately it simply isn't going to happen.

Of course, we knew that it wasn't going to happen when we brought forward all of the amendments during the committee hearings process. It's unfortunate but, folks, that is the reality. This bill is going to be voted on either later this week or next week, and I think it's quite predictable that the government members are going to stand up as a person, reservations or not, and support this legislation. That's the bottom line.

I have to say, there were a number of amendments adopted by the government which I think were positive. They brought in, I think, over 100 amendments, which again reinforces the perception that in so many instances this government is kind of a seat-of-the-pants operation, where they bring in legislation which has not been thoroughly thought through, a very significant lack of consultation—in this case, I think there was virtually no consultation—and they end up bringing in omnibus amendments to omnibus legislation. It has to be embarrassing. It has to be truly embarrassing.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** Did your committees even sit? You didn't even use committees.

**Mr. Runciman:** The Minister of Health is trying to get me going here, but I'm going to be reserved this evening. I'm not going to allow him to agitate me and get me into a spitting contest. That's not my intent here this evening, because I know there are genuine concerns about this legislation, certainly in the paralegal community and well beyond that, and other elements of this legislation that I want to touch on that are of concern to me and my caucus.

It is interesting when you look at the contributions to the debate in committee and the people who were very supportive of this legislation. Several county law associations made contributions, and they were all very supportive. Again, I think it raises concerns about this whole business of conflict and some of the issues that have been raised by Justice Cory and Dr. Ianni with respect to a competition for business, and the fact that many members of county law associations perhaps have registered complaints about paralegals, perhaps for all the wrong reasons, some of them perhaps based on competition and the loss of business. Maybe that's reasonable and understandable, but when it is the Law Society of Upper Canada at the end of the day that's going to be the regulatory authority, I think that should set off a few alarm bells as well.

We heard testimony, written testimony and verbal testimony, with respect to Family Court and the fact that in many of these situations we're seeing people appearing in Family Court either unrepresented or unable to afford representation. This especially impacts on, obviously, low-income individuals and, I think, especially women of modest means. That should be a concern when we're talking about access to justice.

I think there's a very valid argument to make with the paralegal situation that, at the end of the day, what might occur here is restricted access to justice, limited access to justice, especially impacting on the less fortunate in the province of Ontario. You would think that would be something this government would be concerned about, something this government would address, but instead they've gone the other direction by leaving the scope of practice definitions, if you will, to be determined by the Law Society of Upper Canada through bylaws. We will see what happens here, but I think people have a legitimate right to be concerned about seeing a narrowing of the scope of practice and significant limitations in terms of access to justice for many, many people in the province of Ontario.

Those are some of my concerns. I know my colleague Mrs. Elliott from Whitby-Ajax talked about medical malpractice. I'm not going to get into any extended discussion about the medical malpractice provisions and the schedule that covers that, but I just reinforce her concerns related to structured settlements being mandated through this legislation and removing the option for lump sums, locking this in and no automatic provisions for cost of living. Who knows what the rationale is for this? We have the Minister of Health here. There was some suggestion that this was some sort of a deal done with the OMA—I don't know—as part of the negotiations. Whether it was or not, he can perhaps stand up and respond in a two-minute response later on and confirm or deny that, but certainly that was raised as a possible rationale for moving in this direction. It's difficult to understand that that option would not remain in terms of medical malpractice suits. That's another very, very serious concern on the part of the official opposition.



1930

I want to get into a few of the other areas. We've had a lot of discussion about justices of the peace and the shortage of justices of the peace in the province of Ontario. I put forward, on behalf of our party, a number of recommendations in this regard. We heard some testimony related to this, but it was limited. We had Hazel McCallion; the city of Mississauga was there. Her primary concern was the loss of revenue through Provincial Offences Act fines and the lack of JPs in her community, but of course that's a fairly common problem across the province. The Association of Municipalities of Ontario has estimated that they're losing somewhere in the neighbourhood of \$500 million as a result of the shortage of justices of the peace in the province.

The reality is that there are 18 fewer JPs today than there were in 2003 when the Liberal Party assumed the offices of government. The Attorney General has written to stakeholders like the city of Mississauga, the Association of Municipalities of Ontario and many others and has said, "Well, this is all up to Bill 14. Once we pass Bill 14, we'll solve your problems." Of course—I've got to be parliamentary here—that was inaccurate. The reality is, several weeks ago the Attorney General appointed seven justices of the peace, and they used the qualification standards for those appointments that are part of Bill 14. So there has been no restriction, no limitation on the Attorney General over the past few years in terms of his ability to recommend to cabinet appointments to become justices of the peace. He simply hasn't done it. Why hasn't he done it? Again, I think you would have to get him here and put him under bright lights and try to get him to confess to why he hasn't done this. Is it a cost-control measure? I don't know. I know it's certainly costing municipalities.

Perhaps an even more important element of this is the public safety element. We have thousands of cases backlogged, and we're talking about many of them as serious offences which are going by the boards because we have a shortage of justices of the peace. I think all of us should be concerned about that from a public safety perspective. Some of these Provincial Offences Act violations are very serious matters indeed, and we should be dealing with them, and dealing with them in a timely way. But that's not what's happening here.

We also put forward an amendment to extend the retirement age for justices of the peace from 70 to 75. Judges now retire at age 75. We know there is a significant number of JPs who are approaching retirement age. I heard the number; I think it's in the range of 20 to 25 in the very near term who are reaching retirement age. The Attorney General and his colleagues were not sympathetic to that amendment, which, again, leaves you scratching your head as to why they would not be sympathetic to something that could address this ongoing shortage of JPs when you're dealing with people who are experienced and are prepared to serve an additional period of time as justices of the peace. I know that the JP

association—I'm not sure what the formal title is. The association representing justices of the peace, is very supportive of this retirement age extension. But they advise me that the Attorney General has refused to even meet with them to discuss not just the retirement issue but other suggestions and ideas they have to address some of the challenges in the courts of the province of Ontario. All of these things puzzle me. This is a very important part of the process in the courts administration in the justice system in Ontario, and the Attorney General refuses to meet with these people. Passing strange, to say the least.

I have been a long-time supporter of establishing a cadre, if you will, a core of part-time justices of the peace, per diem JPs. I've found, in talking to a variety of stakeholders, certainly in the policing community, they felt that when we had per diem JPs, there were significantly fewer problems in terms of access to a justice of the peace than is currently the case. This legislation actually restricts a justice of the peace from acting outside of a courtroom. They can't act outside of a courtroom unless they're part of a limited roster. I think that is mind-boggling that they're not prepared to allow these folks to go out and assist the justice system.

I know we have video remand in many of the courts across the province dealing with remand and bail, but there are situations where video remand is not appropriate, where, if we could have a JP going to a site for a bail hearing—for example, going into a police station, which they used to do, going into a provincial jail, which they used to do—now that simply doesn't happen. The Attorney General was trying to say I hate lawyers or suggesting that I hate lawyers, but that's not the case at all. I have a lot of friends who are members of that profession, and I have a great deal of respect for many of them. But I think that—

**Mr. Norman W. Sterling (Lanark-Carleton):** But not all.

**Mr. Runciman:** Not all. Feathering their own nest is something that, when you even suggest that that might be a consideration, can certainly upset a great many of them. If you look at what has happened in the justice system over the past 15 or 20 years—and I do. I admitted in the committee hearings that I have a particular bias here, because my uncle was a provincial judge. He was one of the last lay judges in the province of Ontario: George Runciman. He was the deputy chief of police in the city of Brockville. There was a lot of resentment in the legal profession when he became a judge. They didn't like non-members of the profession becoming judges. He had a tough battle. But I know, talking to people after he retired, how much respect they had for him, the way he handled his court and his judgment. I think there's a place for lay judges, and there's certainly a place for lay JPs. I know there are others who would strongly disagree, but they tend to be lawyers who strongly disagree with that perspective.

I talked to another of the last lay judges in the province, who was out of the city of London, who is now



deceased, as is my uncle. He was an RCMP officer. He was telling me that he had gone into a community—I think it was Stratford. I think the member representing Stratford is here this evening. There was a three-month backlog in this court. The judge was ill. He went in on a temporary basis to replace that judge and he cleaned up that backlog in two weeks.

1940

The judge's court—it was remand after remand after adjournment after adjournment. This judge, who was a lay judge, was a no-BS kind of person. He was a former cop. The case came before him and his court, and he said, "You've had three adjournments on this case. Get on with the business. I'm going to hear you today," and he cleaned out that BS. There was none of this 10, 11 or 12 remands and adjournments, which are so common in the system today.

When the eminently wise judiciary are giving two- and three-for-one credits for people who are on remand, it's no wonder that some members of the defence bar may want their clients to stay in a provincial lock-up on remand. They're going to get a two- or three-for-one credit, and it may keep them out of a federal penitentiary, and they end up getting a third of the sentence they might otherwise receive.

There are a lot of problems in our justice system, and I think all of us recognize that, but the government was not prepared with respect to this legislation. I think it opened up a lot of opportunities for us to address some of these concerns, and they simply didn't deal with them.

I want to mention that I believe we only had the city of Mississauga appear on this one particular schedule of the legislation, the justice of the peace area, and that was—no. I apologize. We did have the Police Association of Ontario; Bruce Miller also appeared. He wasn't speaking directly to this, but I asked some questions related to this.

I have to say that one of my serious disappointments in this process was the failure of the Ontario chiefs of police to appear. During my time as a justice minister, one of the frequent concerns I heard from chiefs of police and their association was this whole situation surrounding justices of the peace: lack of availability, getting search warrants, a bail hearing etc.—a consistent refrain by the chiefs, yet they did not appear before the committee, they failed to appear before the committee, and I found that extremely disappointing.

We had a retired chief appear. He had been a sergeant in the Metro Toronto police and then went to Prince Edward Island as the chief in Charlottetown. He was an honorary member of the Canadian Association of Chiefs of Police. I said, "You know, you don't have to answer this," about an opportunity to appear before us on a justice bill dealing with so many issues—courts administration, justices of the peace etc.—"but why wouldn't the chiefs' association take this opportunity to appear?" He wanted to respond. He said he felt it was terrible that the Ontario chiefs did not appear. Speaking as a former chief himself, he said, "All of these opportunities should not be missed to at least make sure

that your views are on the record, your concerns are heard by representatives of all three parties and, to some extent, by the public."

That was really an echo of my concern, and I certainly appreciated his support. I don't know why the chiefs didn't appear. I know they're visiting Queen's Park—I'm not sure if it's this week or next week—but I'm certainly going to ask them. You have to wonder if they were intimidated by this government. It's tough to see chiefs of police being intimidated. I hope that they can't be intimidated, but I know that this government has, I don't know, a few folks who certainly make every effort to intimidate stakeholders.

I heard a story a while ago about the Premier appearing at a Toronto gathering, and it was a very prestigious group. The master of ceremonies was given the script to introduce the Premier, and in the script it said, "Now, ladies and gentlemen, here's the man described by Maclean's magazine as Mr. Ontario: Dalton McGuinty." That was the script he given. He said, "This is a non-partisan organization; I'm not going to say that. I'll just introduce him. I'll give his bio and say, 'Here's the Premier of Ontario.'"

So what happened? He gets a call from a fellow by the name of Don Guy. Ever heard of him? Don Guy, chief of staff to the Premier of the province.

**Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal):** And what does this have to do with the bill?

**Mr. Runciman:** I'm trying to explain that, if you want to listen to me. I'm talking about intimidation and why the chiefs of police didn't appear and one possible reason for that. I'm talking about Don Guy calling up the chairman of this meeting and saying, "You have to describe Mr. McGuinty as Mr. Ontario. There's no ifs, ands or buts. You have to call him Mr. Ontario." And the chap says, "Oh, okay, okay. Look, all right, I'll follow your direction. I'll say this to the crowd: 'I was called by the chief of staff of Mr. McGuinty, who told me that I had to introduce the Premier as Mr. Ontario. Here he is: Mr. Ontario.'"

Dead silence on the phone. Goodbye, goodbye.

This fellow had the intestinal fortitude to tell Mr. Guy where to go, but how many other stakeholders gave in to that kind of intimidation? That's emblematic of this government: trying to intimidate people. I have to suspect, knowing so many of the chiefs of police and having so much respect for the chiefs of this province, that this kind of initiative was undertaken by this government to intimidate the chiefs, maybe in a more subtle way: "If you want changes made to this legislation or if you want this or that, you'd better keep quiet with respect to the significant changes being brought forward in Bill 14," the so-called Access to Justice Act. I don't know. I'm certainly going to ask the chiefs when they're here, either this week or next week.

There are other elements to this which I want to touch on in the few minutes left to me—some of the elements dealing with courts administration. We put forward a



string of very helpful and, in some respects, innovative amendments to the legislation dealing with this schedule. I proposed an amendment which would require an annual report on the administration of the courts, which would be tabled in this Legislature and would include the number of crimes committed while on bail, probation, conditional release or subject to a criminal deportation order.

I think that would have been very helpful, because we know—we read about it in the newspapers—that so many crimes are being committed by people on bail. We've heard about being on probation, conditional release, and certainly we've heard, in terms of criminal deportation orders—I forget the numbers but it was staggering; something like 35,000 or 45,000 people in Ontario with criminal deportation orders on them. It's a staggering number, and very little is being done about it. Having a report tabled in front of us with respect to those kinds of statistics would be very helpful, not only to us as legislators but to the public at large, with respect to what's happening in our courts.

I also suggested through that amendment that the report would include the number of remands per case by court location and/or justice, and it would be categorized by the Criminal Code or the Provincial Offences Act. Of course, the parliamentary assistant almost had a fit on that, in terms of judicial independence—as much of a fit as he ever has, which is a relatively mild one, I have to say. But he was quite agitated about this, and quite animated about the fact that this is jeopardizing judicial independence and we can't have that kind of information. The great unwashed can't be privy to that kind of information about how our courts operate or don't operate. Again, I disagree with him. I think that this is the kind of information that would be very helpful to all of us in terms of determining how the system is working, the problems being caused by the system itself, and perhaps pinpointing some of the courts where we really have significant problems with respect to these sorts of things occurring on a very regular and frequent basis.

1950

I also suggested an amendment which, again, was defeated, which would require an inquest where a person committed a murder while on release by a justice of the peace or a provincial court judge, and that the judge or justice of the peace be a compellable witness at that inquest. Again, of course, the whole bogeyman of judicial independence raises its head.

If you look at recent criminal acts in this city—the Yonge Street shooting of a young lady. What was her name? Jane Creba. There were people out on bail who have been subsequently charged in that horrific murder. There was the murder of a young fellow in a car dealership. He was shot in the yard of a car dealership in Toronto by someone who had been released two weeks earlier, who had been chased by police—with a 44-calibre handgun which he hid under a car. He had been charged with that, yet he was released, and two weeks later, he's been charged. He's the alleged murderer of

this very hard-working individual who was trying to escort these people off of a car lot. We have situation after situation like this.

I think that there should be some degree of accountability when you're making decisions which—and they're difficult decisions; there's no question about it. It's a responsibility that perhaps many of us wouldn't like to carry on our shoulders, and perhaps the laws of the land are not as helpful as they could be.

We've heard the Attorney General and others talk about reverse onus with respect to bail. Maybe those changes have to occur and should occur. We'd certainly support anything that strengthens a judge's or a JP's ability to do their job. But in many instances, I think that we have to have accountability, not just for the JP or the judge but certainly for the crown as well. They should be fighting tooth and nail to ensure that in all situations, where possible, people are not allowed back onto the street. In those situations where horrific crimes occur as a result of those decisions, I believe an inquest is necessary and that the people who have made those decisions should be compellable witnesses. Again, that was not a view shared by the members of the Liberal caucus.

I also proposed an amendment which probably some of my colleagues who are members of the profession wouldn't agree with, but I'm sure the Minister of Health would agree with me on this one. I suggested an amendment which I called the Ken Murray Act. For those of you who don't recall the name Ken Murray, he was the lawyer who represented a fellow by the name of Bernardo. If you recall the situation, Mr. Bernardo told Mr. Murray about a concealed tape, a very graphic and inculpatory videotape, and where he placed it in his home. Mr. Murray went and retrieved it and kept it concealed throughout the Homolka case. From my perspective, I felt that that was obstruction of justice, although he was charged and was not found guilty. Of course, as we know, the reality is that if that tape had been available during the Homolka trial, she would not today be walking the streets as a free woman in the city of Montreal or anywhere in this country that she wishes to walk. That's the reality, and anyone who is aware of the contents of that tape would share that view.

The law society: This was an opportunity, which is rare indeed, to open up the Law Society Act. It's part of this legislation. So I felt that this was a way that we could deal with this issue. It's not groundbreaking, either. The law society, as some of you know, is charged with the self-regulation of lawyers' conduct. I'm told that in the province of Alberta there's something called a practice rule whereby lawyers are compelled to turn over to police or the crown relevant physical inculpatory evidence that comes into their possession. This situation with Murray, if we had a practice rule along those lines, could never happen again. Murray was found not guilty of obstruction of justice, and was not penalized by the Law Society of Upper Canada either, as a result of his conduct. I think that has to bother any right-thinking Ontarian—or



Canadian, for that matter—especially when they see Ms. Homolka prancing about.

I was also told—and I haven't been able to confirm this, but I got it from a pretty darn good source—there was another case in the not-too-distant past where a relatively prominent criminal lawyer was advised by his client of the fact that he had moved and hidden a body. He kept that information to himself, which had an impact on the outcome, ultimately, of that criminal trial.

So I think there are situations that we could and should have addressed in this legislation—some real opportunities here to make some changes that I think would have improved the justice climate in the province of Ontario, but we've missed them. This legislation, I say regrettably to my friends in the gallery—who, I am advised, are members of the paralegal profession—is going to pass, probably this week or early next week. The government members are going to stand up when they're told to stand up. They sit down when they're told to sit down; they speak when they're told to speak; they shut up when they're told to shut up. That's the reality of this place.

There's the chief whip. He's just out there giving instructions. It's a sad reflection on the state of affairs in—not just in the province of Ontario; it's certainly at the federal level as well. We've seen so much over the past, I don't know what, 20 years or so, where so much power has been vested in the Premier's office and in the Prime Minister's office, and decisions are made effectively by a small group of unelected folks who surround the Premier or the Prime Minister. They make these decisions, and the folks who are elected to represent their constituents more often than not cannot. They're restricted or they're faced with being isolated within their own caucus, removed from the list for promotion, removed from parliamentary assistant jobs or committee chairmanship jobs or particular parliamentary trips that they may have been able to have afforded them. Those are the kinds of limitations and restrictions that are placed on members.

The folks who actually take a different view are few and far between. We have one in our caucus who does it on a regular basis: Mr. Murdoch, Bruce-Grey-Owen Sound. People can say what they wish about Bill Murdoch, but I think that, 99 out of 100 times, he's representing the views of his constituents. He's here to speak up, and he's consistently elected, during the good times and the bad times. When the Conservative Party of Ontario has gone through difficult valleys, who comes up on the other side of the hill? Bill Murdoch is always there. There's a reason for that, and that reason is that he speaks his mind and he doesn't frequently go by the party line unless he agrees with it—

**Mr. Dave Levac (Brant):** Or he votes against it.  
2000

**Mr. Runciman:** —or he votes against it, and that's not an infrequent occasion in this place. It's unfortunate that we don't see more and more of that.

My real concerns, trying to summarize in a couple of minutes: I think there are legitimate concerns with respect to the Law Society of Upper Canada being the regulator. From an opposition perspective, we're going to carefully monitor how they deal with the bylaws in terms of scope of practice. We're going to be watching that very carefully. We think there should be increased opportunities. Obviously, we share the view with respect to educational requirements, we want to make sure the people who are representing the interests of Ontarians are qualified to do so, and I think any good paralegal would share that perspective, but we do not want to see a limitation. We'd rather see an expansion of that mandate so that more and more Ontarians can have access to the representation they deserve. What this legislation does is cast the spectre of limiting representation and limiting opportunity for access to real justice in Ontario, and that's unfortunate.

The other areas that I talked about with respect to justice issues: Again, I think we've missed some real opportunities here. There was a closed mind on this, and I'm not criticizing the committee members because, as I said, they have a job to do. They're given direction prior to committees starting, during the process and when it comes to the clause-by-clause consideration. So there's no real ability, I suppose, in many of these respects, to deal with some of the substantive changes that were brought forward by the opposition. I'm sure many members opposite would support many of those initiatives but they don't have the latitude to do so, or they feel they don't have the latitude to do so because the chief whip, the Premier and others say, "You can't do that or you're going to face some serious difficulties in the Liberal Party." Of course, we know the Premier himself has the ability to withdraw nominations in ridings, unlike the Progressive Conservative Party. We don't give that power to our leader.

**The Acting Speaker:** Questions and comments?

**Ms. Martel:** In response to the comments that were made by the member for Leeds-Grenville, I want to just read into the record some concerns that have been shared, I would think with all of us, by an individual who I believe is in the gallery tonight. His name is Marshall Yarmus. We got this on October 4. Let me say a couple of things which reinforce what the member from Leeds-Grenville had to say:

"I am a paralegal operating in Toronto....

"This is a bill which will adversely affect the consumers, which it claims to be protecting. It is a bad bill for small business, which relies on paralegals. It is definitely a bad bill for paralegals, as it will immediately force 40% of paralegals out of business. The remaining 60% will be slowly pushed out of business.

"The only group that this bill will benefit is lawyers. I have nothing against lawyers. I do have a problem with this government's failure to listen and act upon paralegals' concerns. I also have a problem with the Law Society of Upper Canada, who are eager" now "to take on the responsibility to regulate paralegals. For 30 years



the law society was against regulating paralegals. In 2004 when Mr. Bryant asked the law society to undertake the task, they jumped at it. What changed?

"Under this bill, lawyers will be handed a monopoly on family court representation, uncontested divorces, incorporations, other corporate work, wills and estates.

"There is a blatant conflict of interest in having the law society, who regulates lawyers, also regulate paralegals....

"I spoke at the justice committee hearings on September 6, 2006. I outlined at that time the numerous problems with the bill which I submitted required the paralegal schedule to be removed and reworked. The government failed to take notice of my submission or that of the overwhelming number of paralegals who spoke to the justice committee. I suggest you review Hansard."

I was not at the committee, but I watched quite a bit of it on television, and that is exactly correct. A number of concerns were raised. Very few were listened to by the government.

**Mrs. Carol Mitchell (Huron-Bruce):** It certainly is my privilege to rise this evening and respond to the comments made by the member from Leeds-Grenville. I come from a municipal background, which many of you in the House are aware of. When I hear comments made about intimidation and our government, and what we are doing in order to move forward a political agenda, I have to say that I am very taken aback. When I think of all the times that that government came before us and repeatedly intimidated every group, from the teachers to the municipal politicians to the nurses, to stand up and bring that forward in such a manner and accuse us, who have repeatedly worked with our stakeholders to bring forward their message, I say to that member, I am completely taken aback by that tone. I just can't believe, when given the opportunity to speak to the bill, and with due respect to the member's background, the history that he brings to this room, to then talk about and accuse the McGuinty government of intimidation, the police chiefs—I mean, come on.

I just want to say that we have worked very hard at working with all of the many stakeholders in moving forward the province of Ontario. It's something that I personally, from my background and from what we've all brought to the table today, take a great deal of pride in. I just cannot sit in my chair and listen when I hear those comments made, especially from the member for Leeds-Grenville.

**Mrs. Christine Elliott (Whitby-Ajax):** Thank you for the opportunity to provide some additional comments with respect to Bill 14. Although I have commented on Bill 14 previously, there are some additional concerns that have been voiced to me by my constituents as late as last week that I feel need to be brought forward for consideration by this Legislature.

I was fortunate to participate in a town hall meeting on justice issues in my riding of Whitby-Ajax last week, which was co-sponsored by the Ontario Bar Association. At that time, we invited a number of stakeholders and

members of the public to come and speak to us about a variety of issues relating to the courts and justice system. I can say that there were two main themes that emerged as a result of hearing from the public and stakeholders, both of which are directly related to Bill 14.

The first one was the issue of the appointment of justices of the peace, how the need is desperate for more justices to be appointed. Although the Attorney General has indicated that he hasn't been able to appoint justices until Bill 14 is passed, we know that can't be the case because he has already appointed some. So I think he needs to get on with it and deal with the situation and not blame his lack of action on the passage of this bill.

Secondly, the issue of legal aid, the chronic underfunding of legal aid, and the need to increase legal aid funding, particularly in the area of family law, directly affects the paralegal situation because paralegals are currently providing a necessary service in the province of Ontario. Particularly, single women with children are not able to afford any service other than what's provided at high quality and low cost by paralegals. The fear, of course, is that in having the law society as the overseers of paralegals under the new regime, the push and pull will be such that this will be taken away from paralegals. Though I hope this will be justice to the public, I fear it will not be, as a result of this bill.

**Mr. Gilles Bisson (Timmins-James Bay):** The other day an interesting saying was said to me by my good friend Mr. Marchese, who is my seatmate. He said that in politics there's a little test that you apply to legislation to find out if it's worth doing, and that is: Who's mad, who's glad and who's sad? We know that in the case of this particular legislation, paralegals are certainly mad, and there's a whole bunch of other people. I've been called at my office, and I'm sure my colleague Madame Martel and others have been called, by a number of people who basically are mad about this legislation. They say they don't like it for a host of reasons, which I'll get to talk about when it's my turn for debate, and my good friend Madame Martel will do the same when it's her turn.

Here's the other part. Do you remember I said, "Who's mad"? Now, who's glad? The lawyers. The lawyers are glad, and the Law Society of Upper Canada is happy because they get to oversee what the opposition is doing or the competition is doing, depending on which way you look at it, and so they're certainly glad. But who's sad is what is the most interesting of all, and that is the Honourable Justice Cory, who, back in 2000, had this to say about this whole idea of having the law society oversee the paralegals:

"I would emphasize that it is of fundamental importance that paralegals be independent of both the Law Society of Upper Canada and the province of Ontario. The degree of antipathy"—antipathy; imagine that as a word. I thought it was quite interesting for him to say that—"displayed by members of legal organizations towards the work of paralegals is such that the law



society should not be in a position to direct the affairs of the paralegals.”

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So in the words of my good friend and esteemed colleague Mr. Marchese, the member from Trinity–Spadina, we know who’s mad: It is the paralegals and others. We know who’s glad: It’s the lawyers. And we certainly know who is sad: Justice Cory. I say, on that test, the government’s got to go back and re-look at this legislation.

**The Acting Speaker:** Questions and comments? The member from Willowdale.

*Interjection.*

**The Acting Speaker:** I’m sorry; it was my mistake. He was the fourth. The member from Leeds–Grenville has two minutes in which to respond.

**Mr. Runciman:** Thanks, Mr. Speaker. I appreciate the interventions of all the members who participated.

I have to say, I was intrigued by the contribution of the member from Huron–Bruce, who was upset at my suggesting that the Liberal government engages in intimidation and suggested that we intimidated people when we were in government. Boy oh boy, we didn’t do much of a job of it. I think I saw them all out on the lawn on a weekly basis here. So I don’t think it had anything to do with not appearing before committees, trying to direct people in terms of how they introduce the Premier of the province or a whole range of other issues. Certainly, we’ve seen it in the health care sector to a significant degree, where there has been intimidation—some people have described it as bullying—in that sector.

I’m simply going to take—I think the member from Timmins raised a good point about who’s happy about this outside of the legal profession. This is interesting, a real challenge, when you look at the fact that—and as consumer minister, I’ve been through a couple of processes in terms of self-regulation of sectors. But here is the situation, which I think is unprecedented, where we have a profession which is almost to a person opposed to the process here. This is not an agreed-upon process. There was no consultation; there was no effort to involve paralegals in this process in terms of, where do we go from here? This was the Attorney General calling up his friends at the law society and saying, “How would you like to handle this for me?” This is a situation where you have this profession—I describe it as a profession—being told by the government, “This is the way it’s going to be. You’re going to be regulated by this group. End of story.” That is not a recipe for success.

**The Acting Speaker:** Further debate? The member for Nickel Belt.

**Ms. Martel:** It’s a pleasure for me to participate in the debate tonight. I can say, as my colleague from Niagara Centre did when he spoke to this bill on third reading last week, that New Democrats are opposed to this legislation. We don’t think it’s workable and we find it very interesting that the majority of people who came before the committee, whom the government said they were trying to help, also remained opposed, even to this day.

I want to raise four concerns in the time that I have here this evening. The way I propose to do that is to actually look at some of the submissions that were made to the justice committee, because I think the submissions that were made were excellent. They identified some of the key concerns that the people had with the bill, and the folks who did the submissions could probably say it better than I with respect to what those concerns are. So I want to deal with four very concrete concerns and four or so submissions that outline what the problems seem to be.

The first was a submission that was made by David Kolody and Deirdre McIsaac, and this was with respect to schedule A of the bill. In that schedule, there is a proposal that reads as follows, with respect to periodic payment, medical malpractice actions. The bill proposes this:

“(3) The annuity contract shall satisfy the following criteria:

“1. The annuity contract must be issued by a life insurer.

“2. The annuity must be designed to generate payments in respect of which the beneficiary is not required to pay income taxes.

“3. The annuity must include protection from inflation to a degree reasonably available in the market for such annuities.”

The people who made the representation said:

“The wording ‘must include protection from inflation to a degree reasonably available in the market for such annuities’ is ambiguous and there is no explanation what this would actually mean in practice. It will,” however, “have two undesirable consequences.” They include the following:

“First, the ambiguity leaves open the possibility that future care costs provided in the form of an annuity would not be linked to changes to the consumer price index (CPI). The alternative to CPI-linked is fixed-rate indexing, which does not provide inflation protection. This would transfer the risk of inflation to the victim of medical negligence.”

The second undesirable consequence is the following:

“Second, it will increase the costs to litigate a medical negligence case and lengthen the trial. The ambiguity will result in debate between the plaintiff and defendant as to how the criteria ‘protection from inflation’ should be applied and whether this protection is ‘reasonably available.’

“Both consequences could be avoided by specifying in the legislation that payments from the annuity contract be linked to the rate of change of the consumer price index.”

Both of these presenters made the following recommendation to the justice committee: “that the wording of the proposed legislation be changed so that it states that the annuities be linked to the consumer price index.

“The proposed amendments to Bill 14 section 116 will require that future care costs awarded to medical negligence victims be in the form of an annuity and it will remove their right to a lump sum payment. The ‘lump



sum' method provides protection from inflation, and the government must not take away this protection without ensuring that an annuity is also protected from inflation ... by linking it to the CPI.

"Clarifying that annuities will be linked to the CPI will prevent additional conflict being created between parties in a medical negligence case. The proposed legislation in its current form will decrease the chance of a pre-trial settlement and increase the length of a trial."

Did the government listen to the submissions that were made by Mr. Kolody or Ms. McIsaac? Did the government make the changes that were recommended to avoid the two very negative consequences that the presenters outlined? No, the government did not. That was not uncommon, because the government refused to make many, many changes that came to it by presenters before the committee. So that's the first concern with respect to medical malpractice, with respect to the undesirable consequences that will now flow because the government refused to make the changes that would have been necessary to protect these folks in this legislation.

The second group that made an important contribution raised some very specific concerns. This was around the definition of legal services. It was quite an interesting presentation that was made by Peter Bruer, who is manager of conflict resolution services at St. Stephen's Community House. He and a number of other presenters expressed concerns about the definition of legal services. I only want to focus on this particular presentation. He said the following with respect to St. Stephen's House and with respect to the service that they currently offer:

"Our concern with the Access to Justice Act" or Bill 14 "seems to be centred on the wording that defines 'legal services.' This wording allows, indeed seems to require, that mediators be included within the legislation's scope. The act describes as 'providing legal services' a number of circumstances involving the drafting of written documents, for example" in clause (6)2(i), "a document that might affect a person's interests in or rights to or in real or personal property."

"Community mediation"—which is what St. Stephen's does in terms of their conflict resolution service—"commonly results in a written agreement or a memorandum outlining an understanding that the parties have reached. For example, a community mediation might result in a written understanding summarizing how two neighbours agree that they will share access to garages at the back of their properties through a common driveway."

2020  
"Other language in the section may also be open to interpretation that mediators are included in the definition of providing legal services. Community mediation takes an approach that is fundamentally different from the law. It's carried out in specifically non-legal circumstances, and community mediators take great care with clients to distinguish our services from legal services. The object of community mediation is not the resolution of a specific conflict, but rather the mending of the relationship between the parties in the conflict, thereby allowing them

to resolve the conflict themselves. A community mediator does not introduce any opinion or judgments of the merits, facts or effects of a situation being resolved, as judges do, or any advice to the parties involved, as paralegals and lawyers may, except in regard to the process that we facilitate. In other words, community mediators are purely facilitators of process, not evaluators in any respect, except of the good faith and capacity of the parties. Community mediators act for all parties to a situation and never for only one party, as paralegals and lawyers do."

Their suggestion was the following: "All of this speaks to the need to change the Access to Justice Act to ensure that mediators are not covered by its provisions. For these reasons, we are asking that mediators be exempt from the act."

"If this necessitates your defining what a paralegal is, we acknowledge that it may also be necessary to define what a mediator is. The distinctions we outlined above might prove useful, and the existing organization of the field of mediation might be a good starting point for any delineation."

I thought this was an interesting concern that they raised. They weren't the only ones who raised the concern with respect to this definition. This concern was also raised by the Ontario Real Estate Association, the Canadian Bankers Association, the Insurance Bureau of Canada, the Canadian Institute of Actuaries, the Federation of Rental Housing Providers of Ontario and others. Did the government deal with the very legitimate concerns that were raised with respect to this particular provision; that is, the definition of legal services? Well, no, it did not, despite the excellent presentation from St. Stephen's and despite the presentation made by the Canadian Institute of Mortgage Brokers and Lenders on behalf of some of the other organizations that I have already outlined. Now you have a situation where any number of people who normally wouldn't and shouldn't be captured by this particular piece of legislation now will because of the refusal of the government to simply do what had been requested, which was to change the definition to make it clear that mediation services weren't included and that the services of all these other professional organizations were also not included in the bill. Regrettably, the government didn't want to do that.

I've heard from a number of seniors and seniors' groups with respect to another concern, and that is the change in the limitation period that is included in the bill. I think a number of members would have received a copy of a letter that was written by the United Senior Citizens of Ontario. It was an open letter to all MPPs dated October 4, 2006, subject "Bill 14, Access to Justice."

"I am asking on behalf of our 300,000 members of the United Senior Citizens of Ontario to please reinstate the six-year limitation period that has been reduced to two years. Two years is not enough time for seniors to admit or come to terms with this life-altering situation and will deny victims the opportunity to seek justice through the



civil courts. Please protect our seniors from this type of elder abuse.

"Thank you, on behalf of our 700 clubs." I would like to say to the United Senior Citizens of Ontario, it would have been lovely if the government actually had made the change that they proposed, but again the government didn't. This, despite the number of organizations who came forward and made it very, very clear that the reduction of the limitation period from six years to two would deny many victims the chance to seek justice through the civil courts.

Here is another letter that I think a number of us have received. It says, "To all MPPs," so I'm sure we did, for those of you who read it. This also focuses on this particular concern:

"The reduction of the limitation period from six years to two years will deny many victims the chance to seek justice through the civil courts. Canada's Association for the Fifty Plus, the Small Investor Protection Association and the United Senior Citizens of Ontario made representation to the standing committee on justice policy on September 12. We spoke on behalf of members representing close to half a million seniors in Ontario. We are concerned that the legislation reducing limitation periods erodes the rights of Ontarians to seek justice after they have been victimized. We concur that it must have been an oversight when the bill was dealt with and that the impact on seniors was not considered. Now this must be put right."

Well, I wish that that was the case, but regrettably, it is not. "Consider"—this is part of the submission—" (1) Canadians are losing billions of dollars of their savings each year due to investment industry wrongdoing.

"(2) The regulators will not get their money back.

"(3) The complaints-handling process is industry itself, or industry-sponsored.

"(4) Any recovery of losses using industry processes is pennies on the dollar.

"(5) Civil litigation is the only chance that victims have to receive justice.

"(6) The time limit for taking civil action has been reduced from six years to two years in the bill. Two years is not enough time for victims of life-altering events such as losing their life savings to be able to deal with this issue and take action within that time period."

I think a number of us also got a letter from an individual who had been affected in this very way, a woman by the name of Jill King of Newmarket, Ontario, who wrote to members and said,

"To whom it may concern:

"As a member of SIPA, Small Investor Protection Association, I support keeping the six-year period. When I became a widow in 2000, my financial adviser did not heed my request and manipulated me into a huge loan debt. There is a period of grief that nullifies the body and prevents active engagement. Indeed, my financial adviser said I was too emotional and to go away and think. So a shortened time period would advantage that financial adviser even more. The body of unregulated financial

advisers already has it their own way, and we as Joe Public are suffering. Now, with a two-year window, the financial adviser can get off the hook faster and get away with wrongdoing."

She says a number of other things in the letter, which I won't read into the record, but the point is, concerns were raised in this regard. Very serious concerns were raised with respect to the change in the limitation period from six years down to two. Concerns were raised by seniors' groups that represent significant numbers of seniors in the province, some of the people who are most likely to be victimized by financial advisers or others, some of the group who are most likely to be very vulnerable and not in a good position to make important decisions in just a two-year period following the disaster that has struck them. Did the government listen to what they had to say? No. Was it an oversight in the legislation? Obviously not, because if it had been, the government would have amended that during the course of the clause-by-clause, and the government did not. So now we have a limitation period that is outrageous and that will, frankly, guarantee that people who are already victims are going to be victimized again because they will not have sufficient time to try and get justice through the court system.

The final concern I want to raise has to do with the fact that many paralegals provide support to individuals who otherwise could not afford legal representation. This bill, frankly, is going to have a tremendous impact on the ability of the poor to actually seek justice through the courts.

What I want to read into the record now is a submission from Judi Simms, who is president of the Paralegal Society of Canada. She focuses on a number of things during the submission, but it's the issue of concern with respect to access of justice for low-income people that I want to address.

**2030**

"The problem with Bill 14 is that it does not serve the public well—and it does not ensure affordable and comprehensive access to justice.

"Paralegals are essential to affordable access to justice in Ontario. Some of us are fully employed in meeting the needs of low-income people in areas such as family law, landlord and tenant tribunals, workmen's compensation claims and Small Claims Court, as well as other tribunals.... in the interests of time, I will address the situation in Ontario as it relates to family law.

"One respected Family Court judge has noted that in 80% of family law cases, litigants appear without legal representation. A PSO-commissioned study, of which you have already heard," which was raised earlier during the proceedings in the committee, "has shown that 46% of those in Family Court—nearly one in two persons—have no legal representation. Many of these are women and children, low-income families and new Canadians. Even though paralegals have been instrumental in assisting women and children in many family law cases, Bill 14 appears designed to further impede the ability of



paralegals to practise and provide much-needed services in this sector of the law that touches so many Ontarians.

"Despite the epidemic of non-representation in our family courts, there has been a move by family courts to exclude paralegals from practising in family law. This makes very little sense. If paralegals remain barred from practising in the area of their expertise, a large segment of the public, many of whom are women and children of low-income families and ethnic Canadians, will continue to be deprived of any form of representation in the family courts.

"There are many paralegals within our organization who have dealt exclusively in family law, with 10 to 15 years or more of training" and expertise. "Properly trained paralegals answerable to their own regulatory body should not be barred from practising in the family courts. Training requirements should be determined by the regulating body and not arbitrarily by the courts, as has been the case in recent practice.

"Most paralegal firms are small businesses comprised of one or two practitioners. Because the practice is small, the practitioners are more accessible to the public and the public at large feels more comfortable dealing with a paralegal. In many cases, paralegals working within an ethnic community speak the language of the people in that community. As such, they provide a comfortable environment and affordable services to community members seeking assistance in legal matters.

"Paralegals meet a vital public need that lawyers to date have failed to address. A lawyer is unable to provide many of the services that low-income and ethnic Ontarians require at anything close to an affordable rate; without a paralegal in the picture, the access to justice for low-income and ethnic Ontarians is denied."

She was absolutely right, in terms of the comments that were raised. These similar comments, with respect to how low-income people are going to receive access to justice, were raised by a number of people who came before the committee.

In summary, I don't think anybody who came before the committee, or the majority, said they were opposed to regulation, but certainly I think Judge Cory was very clear when he said it was of fundamental importance that paralegals be regulated independent of both the Law Society of Upper Canada and the province of Ontario.

It's very clear in this bill that paralegals are going to be under the thumb of the Law Society of Upper Canada, completely contrary to Justice Cory's recommendations. That will have some very negative impacts, the most negative of which I think will be an effort, because they are in competition, to force paralegals out of the system, not only out of the justice system but out of the tribunals and other places where they make intervention now, particularly on behalf of low-income people. The losers are going to be low-income people in the province of Ontario. Thank you.

**The Acting Speaker:** Questions and comments?

**Mr. Zimmer:** I wanted to speak to the member for Leeds–Grenville on his lament for the old days of a lay bench.

*Interjection.*

**Mr. Zimmer:** He told us that his uncle was one of the last lay judges down in his area near Brockville, and I rather think that—

**The Acting Speaker:** I'm sorry, but this is questions and comments on the member for Nickel Belt, not previous speakers. That's what questions and comments are about.

**Mr. Zimmer:** It relates to JPs.

**The Acting Speaker:** Okay. Please get to it, then.

**Mr. Zimmer:** I think if his uncle were here, his uncle would be pleased with Bill 14, as it relates to lay justices of the peace, because what we've done is preserved the lay bench.

There was a lot of suggestion that with the numbers of lawyers coming out of the law schools and the availability of the lawyers, it would be a very easy thing to move to an all-lawyer justice of the peace bench. This government did not go in that direction because we believe that access to a justice of the peace is for many people their first, and indeed their only, contact with the justice system in their lives. It tends to be a local contact in their community, in their municipality, hence the importance of having people from that local municipality, some of whom are lawyers and some of whom are laypersons. So we've preserved the lay justice of the peace bench.

To ensure that those lay justices receive the very best training, we've also got some qualification standards in—minimum qualifications, some equivalency standards—so that they have all the skills they need to carry out their job as a justice of the peace in a way that would be just as good as any lawyer who's also serving as a justice of the peace.

**Mr. Ernie Hardeman (Oxford):** I want to thank the member from Nickel Belt for a very good presentation on the contents of Bill 14, particularly the portion of it that deals with the governance model for paralegals, and for bringing forward a number of comments from people who will be negatively impacted by such a change. I too have received in my office in Woodstock, in the great county of Oxford, many, many people coming forward with concerns about how we would change the paralegal system in the province and have them governed, managed or looked after by the Law Society of Upper Canada. To most people, it just doesn't make sense. Obviously, we all know that all in the paralegal system now want to have regulations and want to be regulated, but they want it to be done in a way that they can continue the service they provide for the people of this province.

As they're not properly regulated, it's hard to imagine a constituent going to a lawyer's office to discuss the problem that they wanted addressed and that they would like the lawyer to look after, and the lawyer saying, "But you can't afford this. Why don't you go to a paralegal?"



They can provide that type of service for you and do it every bit as well as I'm doing it, and they will do that for a cost that you can afford." I just can't imagine that would happen in today's system, that a law firm would do that. Yet that's what the province is putting forward in this legislation: that the Law Society of Upper Canada will make those determinations as to which services should be provided, how the services should be provided, and in fact whether paralegals would be providing them or not. I don't believe we will see the Law Society of Upper Canada putting forward a broad range of issues that a paralegal can deal with, strictly because they are not the types of services that the law society will provide at a cost that most low-income people can afford to pay.

**Mr. Bisson:** Again, it just amazes me that we go through this every now and then in the Legislature, where we introduce legislation that most people can agree with the concept on the surface. Members of the government, members in opposition and, I would argue, paralegals themselves would agree that we need to have some mechanism to regulate paralegals. Nobody's offside. But the government, in bringing forward this legislation, has a bill that basically says that the mechanism by which they're going to go out and regulate paralegals is done in such a form that the paralegals aren't happy. I'm saying to myself, "Isn't this about trying to work with the paralegals to make sure that we develop some sort of a system that, first of all, safeguards the public"—I think we all agree—"and number two, is acceptable to paralegals and other people within the legal profession?" What we have in this bill is one that doesn't meet that test.

I just look at the government and I say, "God, shake your heads over there." Isn't this about trying to put together a regulatory regime that at the end of the day is going to do what it is that we want to do? For example, do we go out and regulate teachers in such a way that doesn't give teachers some confidence in their system? Do we regulate lawyers and other professions in such a way that doesn't give the people that are being regulated confidence in the system? Why would we do that? It just makes no sense to me.

I respect the law society and I respect the people who are employed as lawyers in this province. They play a very important role. But I don't believe that at the end of the day it should be lawyers who are representative of what paralegals can and can't do, because I think it's in their self-interest to determine what the scope of practice should be in such a way that it would basically very much limit the ability of paralegals to do their work. I just say to the government across the way, it seems to me that what you've done is picked sides on this one, and you've picked the side of the lawyers. You didn't really look at what's necessary for the paralegals and the public.

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**Mr. John Wilkinson (Perth-Middlesex):** I'm entering into the debate, and I must admit that I have not been able to spend a great deal of time on this. But I was

talking to my good friend the parliamentary assistant, the member from Willowdale, and I just want to talk to the member from Nickel Belt about her concerns about annuities.

As some of the members know, I am actually a certified financial planner. And one of the issues—

**Hon. Jim Watson (Minister of Health Promotion):** One of the best.

**Mr. Wilkinson:** Well, if I was one of the best, I wouldn't be here.

**Hon. Mr. Watson:** What about your clients?

**Mr. Wilkinson:** They're very happy. But I just say this to the member from Nickel Belt about your concern about the fact that there seems to be an exclusion of having an indexed annuity: I believe it's worth noting that, under the federal income tax regulations, in an annuity, it is in essence like a mortgage, but the flip side of it. When I want to borrow money, I borrow it from the bank, and then I pay them back a stream of payments that are fixed; at the beginning, most of it is interest, as we know, and a little bit is principal, and at the end, most of it is principal, and a little bit is interest. An annuity is very similar to that in the sense that there's a lump sum, and usually the life insurance company agrees to pay me for a certain period of time over the rest of my life—and this is important for people who are victims of accidents: that a lump sum is turned into a guaranteed source of income.

If the payment itself is indexed, it means that the person must report the interest as earned on the accrual basis. But there's something known as a prescribed annuity contract under the Income Tax Act that allows a person to elect a level reporting of the tax. As a result, the person gets a fixed payment and has a fixed amount that is interest. We know what the person's tax rate is, and then they're guaranteed what that income would be. So I think the act wisely allows for the use of either of those two options so that the victim of the accident, who is receiving a lump sum, if they purchased an annuity, has the ability to take full advantage of the federal Income Tax Act.

**The Acting Speaker:** The member from Nickel Belt has two minutes.

**Ms. Martel:** I want to read into the record, in the two minutes that I have, a letter that I think all of us got today from Eileen Barnes, who is president of the Paralegal Society of Ontario. I was given to understand she might be joining us here tonight. I hope she is. I think this summarizes very completely the dilemma we are now facing and what the government has done. She says the following:

"After 18 years of providing low-cost affordable legal assistance to low-income Ontarians, I will have to close my doors because your vote"—this is to Tim Peterson—"is going to hand me over to the Law Society of Upper Canada and they have already told me that they will not allow me to continue to offer uncontested divorces to the public.



"Let me tell you what I do. I help people who have little money, low-paying jobs but not eligible for legal aid, no transportation, sometimes no literacy. I prepare their simple divorce paperwork getting the information over the telephone. I then go to their homes so they don't have to take buses or find babysitters for their children and I explain the paperwork to them. I make sure they understand that I am not a lawyer and that they are acting in person. Most are referrals and clearly understand that I am not a lawyer. I do the court filing for them and follow through to make sure that the divorce completes for them....

"Your government is about to deny the people of Ontario my services and the services of many people like me and force them to stay married, muddle through paperwork and clog up the court system or pay a lawyer four or five times as much for the same services, probably even my services since I will have to work for lawyers now ... as I won't be able to "work for the public."

She goes on to make a number of other important points that I hope members will take time to read.

But I just want to close by saying this: There were a lot of concerns that were raised. For me, the most fundamental is this: This bill will really deny access to justice for low-income Ontarians, and I think that is an absolute shame, especially when so many people came and said the government should not do that.

**The Acting Speaker:** Further debate?

**Mr. Norman W. Sterling (Lanark—Carleton):** I come to this debate with a little bit of experience with regard to regulated professions. As I am a professional engineer and a member of Professional Engineers Ontario, I am quite aware of their regulatory function and their regulatory body. I am also a member of the Law Society of Upper Canada, and I'm aware of their regulatory role, their disciplinary procedures, their insurance fund and what the real function of the Law Society of Upper Canada is and what the real function of Professional Engineers Ontario is.

Not many people have talked about why we have regulated professions at all in the province of Ontario. I believe we have 24 regulated health care professions. We have the architects. We have the engineers, as I mentioned. We have the law society. We have a number of other regulated professions. The duty of the regulator and the regulated professional bodies, like the College of Physicians and Surgeons of Ontario, is not to their members; their primary duty is to the consumers of Ontario. They are there to protect the consumers of Ontario.

When I talk to many members of the teaching profession, when I talk to some teachers in my riding, a lot of them do not understand that the Ontario College of Teachers is not there to protect teachers; it's there to protect students and parents across Ontario. That's their primary function.

When we look at the paralegal profession, I think it's important to talk a little bit about how the profession has evolved over the last 25 or 30 years.

When I practised law back in the 1970s, before I ran for politics in 1977—and I have been here since that time—there were virtually no paralegals offering independent service, independent advice, independent representation. There were a few people who had gone through legal assistant courses in our community colleges across the province. As time evolved, community colleges started to develop course outlines and different courses with regard to providing various kinds of legal services.

I believe that a disconnect has occurred between the community colleges and the various different governments of Ontario as we have gone over that last 30-year period. I believe that the governments of Ontario sort of turned a blind eye to what our community colleges were in fact doing. What the community colleges were doing was they were developing these programs for young people to go through in their particular institutions, but when the graduates came out, they really weren't able to do what perhaps they thought they were going to be able to do when they entered that institution. Many of them believed that they were going to be able to provide independent legal advice on certain different matters.

As we've gone through these last 25 or 30 years, a number of people have presented themselves in the courts as paralegals. In fact, there is no legal standing for a paralegal. You, Mr. Speaker, or anyone in this Legislative Assembly could appear in front of a tribunal or a court and say, "I'm a paralegal"; there's no legal definition or anybody saying you or I can't call ourselves that. We have that same anomaly, quite frankly, within the accountancy profession. I could hang out a sign and say, "I'm an accountant"; I could do that because there's no legislation which says that I can't do that.

**2050**

I've heard some of the comments with regard to some of the people who are paralegals at this time or who are calling themselves paralegals, and they're objecting to the legislation on the basis—for instance, we heard about the uncontested divorce situation with regard to a paralegal who is providing, I believe, a very valuable service to the citizens of Ontario. If that particular person wants to act as an agent for an individual, prepare divorce papers and in fact file them for the individual, I don't believe that person will be put out of business by this bill. I believe they can still do that service, as lawyers can now, and—more and more are doing it—can opt out of being under the guise of the Law Society of Upper Canada.

I'm still a lawyer within the Law Society of Upper Canada; I pay something like \$800 because I don't practise any law, but that, for some reason, allows me to retain the ability to go back to the practice of law if I should want to in the future. But if I chose to say tomorrow, "I don't want to be a lawyer under the guise of the Law Society of Upper Canada," I could go out and practise as a consultant. There are restrictions on what I may or may not do as a consultant. There may be restrictions on people who want to help people out with



legal matters but don't want to practise as paralegals. Until that definition is put down in writing and defined, people who are now practising as paralegals may or may not want to call themselves paralegals and become part of the regulated structure as a paralegal.

I served as the Attorney General of this province for a very short period of time in 2003: February 2003 till October 2003. During that time, I appointed, as the Attorney General, the first paralegal as a lay benchler at the Law Society of Upper Canada. I did that because I thought it was important for there to be greater synergy and for people in the law society to know what probably would be coming down the tube.

I asked many people in the paralegal profession at the time, I asked some of the people in their associations, I asked the Attorney General's office, "Would it be possible for the paralegals to form their own association?" Because of this disparate history that I went through, the fact that the government never really grappled with the paralegal profession, they have never, over the last 25 years, sat down and thought, "How can we present to the public more economic legal services?" It was really left in abeyance, and nothing really happened until this debate arose with regard to the regulation of paralegals.

When you set up a regulatory body like the Law Society of Upper Canada providing those kinds of services, basically the Law Society of Upper Canada says to the public of Ontario, "If you hire a lawyer, then we guarantee that those services will be provided to you with a certain level of skill and trust." Under this scheme that the government has put forward, they have said to the law society, "Can you provide to the public the same kind of guarantee that you give to the public with regard to lawyers' services as with regard to paralegal services?"

Part of that guarantee relates to the insurance that the law society buys and supplies if a lawyer doesn't act properly, steals or, quite frankly, is just incompetent. So the insurance company for the law society writes out cheques each year to many people across Ontario when a lawyer has either been negligent or dishonest in what he or she has done. The law society, of all of our regulated bodies—all 24 health care professions, engineers, architects—probably disciplines more of their members than any other profession. It may be that because they are dealing with large sums of money on behalf of people, the errors become more glaring and they're called on the carpet more often. But if you were looking at all of the regulated professions, you would probably say the discipline committee of the Law Society of Upper Canada does the best job of any in disbaring incompetent lawyers from practising in Ontario.

In my short sojourn as the Attorney General for the province of Ontario in 2003, I asked the paralegal profession, "How are you going to do this? How are you going to provide insurance? How are you going to provide the set-up to get this thing going?" The answer was, "Really, we don't have the sophistication or the organization to be able to do this." I must say that at that point in time, I

started discussions with the Law Society of Upper Canada, saying, "You have the best experience in dealing with this kind of profession of anybody that we know of." They've done this since, I believe, 1888 with regard to disciplining their members and making certain they protect the consumer. So I said to them, "Would you consider, on an interim basis, helping out with the regulation of the paralegals?" I was the first Attorney General to ask them—I heard comments before here about Mr. Bryant asking the law society to do this—and quite frankly, it was a mixed review. There was a mixed review by some of the lawyers when I appointed the first paralegal as a lay benchler to the law society. But I don't see any other way we could do this, other than if the government itself became the regulator, as we have in the past regulated certain kinds of activity by people who are providing services to the consumer. I just don't see that, in the case of this particular profession, there is anybody or any body which could show greater competence in providing this oversight at this time.

I think it's really important to point out that in the legislation, as I understand it, there is a five-year review of this particular role. My view is that it would probably offer greater solace to the paralegal profession if we put a sunset clause into the legislation and said, "In five years, law society, you're finished unless the Legislature comes back and re-legislates a longer period than five years." I believe that that would answer both ends of this particular debate, because four or five years from now, the next government would have to sit and say to the law society and the paralegals, "Okay, paralegals, have you now developed to the stage where you can set up your own insurance fund, where you can have a good disciplinary process, where you can guarantee to the consumer that the paralegals who are practising under the name of being a paralegal in the province of Ontario are in fact competent to do what they do?"

**2100**

So, save and except for the kind of amendment that I would like to be added, I believe that the paralegal profession will develop and flourish once regulated, because young people and people who are already in the profession will start to realize that it is something they can be proud of, that they can grow, that they can have education programs and that they can continue on into the future.

If we had a five-year sunset clause on this particular section, or on the governance by the law society, two things would happen three or four years out. One would be that the paralegals would say, "You know, things are working out rather nicely now. We can put up with the law society. We've negotiated with them okay." Or, number two, they would say, "No, we want a divorce." Or the law society would say, "We don't want to do this anymore. It's too expensive"—because I believe that there's probably going to be some cross-subsidization with regard to the law society doing this function—"therefore, we can go forward into the future without them."



I believe that, at this time, the government is correct in what it's doing, because I thought, when I was the Attorney General, this was the way to start, not the way forever. I really expect and would hope that the paralegals would break away from the Law Society of Upper Canada sometime in the future. I think it would be a sign of good faith on the part of the government to the paralegals, and also would put the law society on notice that they had to be fair with the paralegal profession, if you had a sunset clause rather than a review clause in the legislation. I don't know whether that should be five years, six years, four years or whatever, but I think it's five years in the legislation now, and it's probably not an unreasonable time frame. So I don't have a great deal of objection with what is there at the present time, but I do object to that particular stipulation.

The appointment of the JPs: I would say to all the legislators present that I really believe that JPs should not be lawyers. I believe that JPs should be people. That's the way it is in Alberta: JPs are all lawyers and there's great consternation between the JPs and the bench, because the JPs all believe that they should be judges. So there's this continual fight back and forth in terms of what their function is. JPs, in my view, provide a more focused and narrow function in law than judges do. They have very important tasks and are very important to our justice system. Therefore, the regulations which will come down with regard to who can qualify for a justice of the peace, in my view, should not be too narrow. I, quite frankly, don't care what the political affiliation of any JP would be. The only qualification that I think a JP should have is that he or she is known in her community as a person of good judgment, of good character, and I have no problem with the political process being part of the appointment process of the JPs. Quite frankly, it has worked well in the past. I'm very proud of the appointments we made while we were in government. I trust that the Attorney General would not make any foolish appointments to the JP bench. But let's get on with it. We really do need some more JPs in order to make our courts work properly.

**The Acting Speaker:** Questions and comments?

**Ms. Martel:** I don't think it's going to come as a surprise to the member from Lanark–Carleton that I disagree with his view with respect to who the regulator should be. I think that I want to go back and put into the record again what Justice Cory had to say about this, because this was in 2000. It's not that long ago where he, I would suspect, took a very serious look at this matter, did some important work on behalf of the province, at that time the Conservative government, and said the following:

"I would emphasize that it is of fundamental importance that paralegals be independent of both the Law Society of Upper Canada and the province of Ontario. The degree of antipathy displayed by members of legal organizations towards the work of paralegals is such that the law society should not be in a position to direct the affairs of the paralegals." I think that's a pretty strong

recommendation from a man whom I have lots of respect for, who, I suggest, did a lot of very important work in this regard.

What's interesting is that during the course of the debate in the committee process, Mr. Kormos, Mrs. Elliott and Mr. Runciman asked the committee to defer its clause-by-clause consideration so that Judge Cory could be invited to come before the committee and speak to this specific matter. Regrettably, the Liberal members, the Liberal majority on the committee, wanted nothing to do with that suggestion, wanted nothing to do with having Justice Cory before the committee to talk about the recommendation he had made in 2000, to talk about whether or not that recommendation had changed, and to explain very clearly to the committee members why he had said what he did. If he had been able to come before the committee, maybe the government would have changed its mind. The fact is, there isn't a sunset clause in this legislation, and we shouldn't have the law society regulating paralegals.

**Mr. Zimmer:** I want to thank members of the House and former attorneys general across the way, and former Attorney General Boyd, who recognized the need for paralegal regulation because it was the right thing to do in the public interest. In fact, the member opposite from Lanark–Carleton, who spoke just a couple of minutes ago, back on March 3, 2003, gave an interview in the *Law Times* in which he essentially set out the position that he has set out today, recognizing that the law society was probably, at the time, the best authority in place to regulate the paralegals.

I wanted to assure the members opposite that in fact there is a two-year review and a five-year review of the paralegal regulation. An interim report is going to be required two years after royal assent, which will assess the details of paralegal regulation to see if the law society's reports and recommendations of 2004 are followed, and then a final report would be required five years after the system is up and running. There would be one report from the law society and another report from a non-legal appointee of the Attorney General. The reports will be charged with the responsibility of reviewing the way in which paralegal regulation has worked and its effect on the public in terms of the protection of the public. Then, of course, depending on that review, things may or may not happen.

**Mrs. Elliott:** I'd just like to make a few final comments with respect to part C of Bill 14, with respect to paralegal regulation. I think it's probably apparent from all of the comments that have been heard from the speakers on this topic that there's no issue that there is a need for paralegals to be regulated, as the conduct and actions of lawyers are regulated, for the protection of the public.

The issue really is, who should be the regulator? There are three basic options: regulation by the law society, as the Attorney General has simply decided upon with respect to Bill 14; complete self-regulation; and regu-



lation by government agency with a view to self-regulation within a period of time to be determined.

Unfortunately, we were not able to hear at the committee with respect to the second two options because it was just taken as a given that this was the way in which to proceed, which I think is unfortunate given the very specific comments that we heard from paralegals on this subject and also, as the member from Nickel Belt has indicated, the very able work done by Mr. Justice Cory in his report in the year 2000 on this very subject, where he consulted extensively with stakeholders, members of the public, paralegals and lawyers, and certainly came to the conclusion that because of the antipathy between certain members of the bar and the paralegals, this was a situation that should not happen; there should not be regulation of paralegals by the law society. In my view, this is setting up a disaster waiting to happen, because there's going to be considerable pressure on the law society to regulate and restrict the types of activities that are going to be carried on by paralegals, to the detriment of the Ontario public, particularly as it comes to legal services that are essential, such as family law situations, where there's an urgent need for low-cost, high-level representation where there would otherwise be no representation at all. In my view, that's necessary in order to have access to justice for all Ontarians.

2110

**Mr. Bisson:** Well, stay tuned. I'm going to get a chance to speak a bit little more in-depth on this bill in the next rotation. That should happen in the next few minutes, but I just want to say a couple of things to my colleague the Conservative member from Lanark—Renfrew? Did I get that right?

**Mr. Sterling:** Carleton.

**Mr. Bisson:** Lanark—Carleton. I never get ridings right. I've been here all these years, and I have a hard time getting the ridings. That's why I will never run for the position of Chair. Somebody will pull that out of the Hansard one day and say, "You said you didn't want to be Speaker a long time ago."

Anyway, I've just got to say a couple of things. I want to come back to the comment I made earlier, because at the end of the day you have to look at who this bill is going to impact and who it's there to protect. I think we all agree, and I'm going to get a chance to speak to this in more detail, that this is about making sure we have a mechanism—one of the things the bill includes is a regulatory mechanism—to regulate paralegals. Who disagrees? Nobody. There's nobody in this House—and I think most of the public and paralegals—who doesn't believe that we should be doing something to regulate that profession.

There are many professions in Ontario who wish to have the opportunity to move towards a regulatory body of some type and become a self-regulated profession. However, this bill doesn't quite do that, in my view, because what we're saying is that we're effectively going to give control to the lawyers about how the regulatory body is going to work. It seems to me it's inherently a

situation of conflict, because the lawyers have something to gain or lose based on the amount of work that paralegals do or don't do. So why would you give the control to the lawyers?

This is not anything against my good friends in the law society and people who practise law. I understand that they have a job to do and, quite frankly, a very important one. But the issue is, why put the chickens in charge of the henhouse? That's what I want to be able to speak to in a little bit more detail later. I think that's the point my good friend was making: At the end of the day, we need to have a regulatory body that is there basically to protect the consumer and to make sure that the professionals themselves are represented.

**Mr. Sterling:** I thank all members who participated with their comments. I would just make the point that lawyers do not want to do the same kind of work that paralegals do. The idea that they will be competing with each other is false. Lawyers do not want to do the work that paralegals are doing.

I want to explain. Perhaps when I say "sunset clause," people don't understand what a sunset clause is. We've had sunset clauses in previous legislation. The sunset clause says that in five years it ends, it's finished, that the law society no longer has control over the paralegal profession and that the government of the day, leading into that sunset day—October 16, 2011, or whatever the date would be—will have an obligation to deal with the problem. They will either have to continue on with the law society, or they will have to find a new mechanism.

A review doesn't cut the mustard, because a review is basically something that, you know, somebody receives; they act or they don't act. The beauty of a sunset clause is that the government of the day will have to act. They will have to have this debate again with the paralegal profession. They will have to have the debate with the lawyers. I believe at that point in time the paralegal profession will probably be in a position—they will be sophisticated enough, they will be developed enough, their associations will be developed that are outside of the regulatory body—where they will then be able to come forward and say, "Yeah, we can do this on our own. We can do this away and apart from the lawyers, and it's to our advantage to do that." Or, surprisingly, they might say, "It's working pretty good as it is." I don't know which way it would go, but all I'm saying is that a sunset clause is far preferable than any number of reports, be it two or 10.

**The Acting Speaker:** Further debate?

**Mr. Bisson:** I look forward to having a discussion about this in some detail, not only in this part of debate but with you a little bit later, Speaker, because I feel passionately about this bill because of four things.

I want to mention, first of all, the flawed process in which we're engaged in this Legislature today. Here we've got a bill that is before this House, and I would argue that most of us haven't read the 200-some-odd pages of this bill in detail. Part of the problem is, as I always feel, that when we come forward with fairly important legislation such as we have now with this



particular bill, Bill 14, the government is always in a hurry to pass this stuff through the House, have a quick second reading, throw it into committee for a couple of days and, heck, we'll bring it in for third reading and we'll pass it—done. But meantime, inside the bill, there's a whole bunch of stuff that quite frankly is very technical and that we need to make sure we get right. I want to speak to three or four of those particular issues.

There is the issue of the paralegals, which I'm going to speak to; the issue of the justices of the peace, which I think we need to have a bit of discussion about; the amendments around the Provincial Offences Act; and also the Limitations Act. We need to take this in context. This bill is not just about paralegals; it's about a whole bunch of other things. I want to say that I have not read the bill in detail, but like most members I've had a chance to read the explanatory notes at the beginning of the bill, and I've gone in and referred to those sections that have caught my attention.

I want to start in no particular order. It's the important part of this bill, but I'm going to end with the paralegals, because I want to talk about a couple of things: first of all, JPs. I had an opportunity a little while ago—my good friend the Solicitor General and I were talking a little bit earlier and explaining to somebody about the issues of JPs. When I first came to this place, we used to appoint part-time justices of the peace. I think that was a good thing, especially in small-town Ontario. We had an opportunity in communities like Moosonee, Matheson, Fauquier, Hearst, or wherever it might be, to have on the ground somebody that the police could go to if they needed a warrant sworn, somebody you were able to go to if you had to get something dealt with as far as a hearing about whatever, or have a document signed for the courts, in your local community.

I think that was a good service. What used to happen is that people used to come and knock at the MPP's door or the Solicitor General's door, or they went and knocked at the Attorney General's door and said, "I would like to get appointed as a part-time JP." We would appoint these people, and they would be paid on the basis of the amount of work they did. If they worked a day that week or half a day the following week, that's what they got paid for. That worked well in small-town Ontario, because it always meant that when the Ontario Provincial Police or the local police of the city of Timmins or Nishnawbe-Aski police—whoever it was—needed to get something done, there was a JP there on the spot. They could knock at the door at 4 o'clock in the morning and say, "Mr. McLeod, open the door. We need you to sign something." A JP would walk out and sign the document, and off the police went to do their work.

We've now professionalized the JPs, and I understand the need to do that. I don't argue for one second—don't get me wrong—that we shouldn't have full-time JPs within the system who are properly trained, well-versed in laws, who understand how to conduct a hearing and how to deal with the whole issue of the process of the courts. I don't argue that for a second. But what we've

done, as the old saying goes, is we've thrown the baby out with the bathwater. So now, if you want a JP in Moosonee, nobody answers the door. Why? Because you've got a full-time JP somewhere in Timmins. What is that going to do to the community of Moosonee or Moose Factory when they need a JP to deal with whatever? It causes a problem for police officers to be able to do their jobs.

I'll tell you, the police officers are professionals. My good friend Mr. Kwinter would know that the police don't want to go out and arrest somebody or go in and do a search in a way that is not going to stand up before the scrutiny of the court, so they don't do it in some cases because they can't get a hold of the JP to sign the document. I'm just saying, I've always had a problem from the beginning, and I don't blame this government for this problem. This was a problem that started under the Harris government, and you guys are now facilitating it in this bill, going down the same road as Mike went, which is that in small-town Ontario, if you go knocking at the door at 4 o'clock in the morning—

**Hon. Mr. Watson:** Who's there?

**Mr. Bisson:** —nobody's going to answer. No one's there, my good friend, because there are no part-time JPs.  
2120

You've got to have part-time JPs in the system. Can you imagine the Nishnawbe-Aski police trying to get a warrant signed in places like Attawapiskat or Moosonee or Big Trout Lake, or even getting something done in Opasatika on Highway 11 or wherever it might be? It's fairly difficult. It made sense to have part-time JPs in the system to deal with those circumstances.

The government says, "Well, that's okay; we can fix that," because in this bill there's another section that says that with certain offences under the Provincial Offences Act, I think it is, we will be able to bring police officers in. This is not a JP issue; I'm switching gears now. I end on this point on the JPs—not to confuse my good friend across the way. I think we should have part-time JPs, and I bemoan the fact that we got rid of part-time JPs and got full-time JPs.

**Hon. Mr. Watson:** Do you want to be one, Gilles?

**Mr. Bisson:** No. The Liberals are teasing me. They're saying, "Would you like a JP's appointment?" The answer is no. I'm having far too much fun over here celebrating, in this Legislature, the ability to debate all issues and to represent the people of Timmins-James Bay.

I want to go to the Provincial Offences Act, to switch gears. In this particular act we've done a couple of things. One of the things we're saying in this act—let's show the bill—is that under certain provincial offences, when it comes to bylaw charges by the municipality and others, the police will be able to appear before the court by electronic means. Somehow that's heralded as a way of being able to speed up the administration of justice.

Now all the heavy-hitter cabinet ministers are coming in. Now I know they're afraid of what I've got to say. All the heavy hitters are coming in. OK, we've got an audience.



Anyway, I understand the temptation on the part of the government to say, "I want to be able to call Constable Paul to testify against so-and-so for a parking ticket violation." I understand what the government's trying to do. But you know as well as I do that, in the cut and thrust of defending oneself or having a lawyer defend you or, in this case, a paralegal defend you—in some cases they do that as well—you need to have the accuser in court to be cross-examined by the defence. I just don't like the idea. If you have a situation where the person is somewhere behind a camera or a telephone where you can't see them, God knows how they're being manipulated by the professionals in telling them what to say, or there's a delay in being able to use the reactions of the courtroom to get to your point.

I'd say this: In this system, everybody has the right, once charged, to defend themselves before a court. It seems to me that one of the fundamental things is to have the accuser in the court with you. If I get charged with a provincial offence of some type, I have the right to have the game warden or the police officer or whoever it is who charged me in the courtroom in person to answer questions of my defence, either myself, if I'm defending myself, or my lawyer or my paralegal. I don't like the idea of having this person appear through a telephone or through a teleconference. I think that is fraught with problems, for two reasons. First, it could be manipulated, and I believe it will be manipulated. You could end up with a battery of lawyers or an adviser of some type telling the conservation officer or the police officer what they can and can't say with big signs that you can't see from the courtroom—"Don't answer that question. Stay away from that answer. Don't go here or there"—and not have the ability to have my defence question in person the person who's accusing me. There's something about being able to look you in the eye.

When I look you in the eye and when I look at the clerk—who understands this far more than most of us because she's had to listen to too many of my speeches—she sits there and says, "It's not the same; Bisson unplugged on television and Bisson in person are two different things." See? She agrees with me.

So I don't like this particular section of the act that says that provincial offences can be dealt with by way of a hearing by telephone or by television for the person who did the charge to give testimony against the person who had been charged. I say that.

I've got about 10 minutes left. This is going to work out perfectly, because I want to talk about the whole issue of the limitation amendments in this act, and I will get to the paralegals because this is one of the key issues. But the point I'm trying to make to members is, this is not just about paralegals. There's a whole bunch of other stuff in this bill that people should be aware of and have some concern for, and that's why I argue that you need to have a proper process to vet these things.

Now, in the Limitations Act, currently you have a six-year statute of limitations when it comes to being able to oppose a deal that you might have been taken short on.

For example, I have lots of seniors in my riding, as we all do, and I had a case about four years ago in which a number of seniors got taken to the cleaners by an investor. It's too long a story to explain, but about 50 or 60 seniors in my riding, from communities from Hearst to Cochrane, had invested money with somebody. As a result, the money was pilfered, and these particular people had been done wrong by financially. Right? They didn't figure it out for a while, because you know as well as I do, my good friend the Solicitor General, that investments go up and investments go down. You get your report at the end of the month, you see some fluctuation and say, "Oh, the market's not doing too well, so it's down a bit. I'm not going to worry about it." Or in many cases, as is too often the problem, the person doesn't read the information that they get every month, and they find out when it's too late that they've been taken to the cleaners.

Well, in this particular case, it was something like three or four years after the fact that these seniors found out they had been taken to the cleaners by this particular investment person. Under your act, they wouldn't have the ability to prosecute because the statute of limitations is being brought down to two years in this bill. I'm saying there's a reason that we have a longer statute of limitations when it comes to these issues. It's to give people the proper amount of time to notice that they've been duped. In this particular case, they had been duped, and I would argue that under this bill, if it was passed, they would not have the opportunity to make a complaint before the courts and to get remedy through the insurance that's used to secure your investments. So I just say, there's a problem with this bill. This is something that I'm somewhat troubled about and, I would argue, we should be able to deal with.

I'm going to get a chance later on, in the next day of debate, but I've got a few minutes tonight, and I want to end on the paralegals. I just want to come back to what I said at the beginning: Who's glad, who's sad and who's mad?

The people who are glad are the lawyers. They're really happy because they get to control the paralegals. So we know that the lawyers are glad. All right? Who's sad? We know a number of people are sad, because we've had different people give testimony who have said this is not a good idea, that if you're going to regulate a profession, you have to have a mechanism by which to regulate so that the people who are being regulated have some confidence in the system. And who is mad? The public and the people we're trying to regulate under this bill, who are the paralegals.

**Hon. Mr. Watson:** Gilles is mad.

**Mr. Bisson:** And you've got me, who's mad. You got that right. My good friend over there got that figured out real quick. I was coming to that.

But my point is, the "who's glad, who's mad and who's sad" test on this bill doesn't make it, and I'm just saying to the members across the way, if you can't make people who are being regulated, the ones who are being

affected by this legislation, have confidence in the system, why are you doing that? I know I am going to get a chance—is it almost that time, Speaker, or do I just keep on going?

*Interjection.*

**Mr. Bisson:** It's about that time. So I would just say, Mr. Speaker, because I see you rising to your feet,

saying, "Being almost 9:30 of the clock, this debate is adjourned"—I think that's what you're about to say—I'll come back next time.

**The Acting Speaker:** I think that's all the incentive I need. It being now nearly 9:30 of the clock, this House stands adjourned until tomorrow at 1:30.

*The House adjourned at 2130.*



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Oshawa	Ouellette, Jerry J. (PC)	Timiskaming–Cochrane	<b>Ramsay, Hon. / L'hon. David (L)</b> Minister of Natural Resources, minister responsible for Aboriginal Affairs / ministre des Richesses naturelles, ministre délégué aux Affaires autochtones
Ottawa Centre / Ottawa-Centre	Patten, Richard (L)	Timmins–James Bay / Timmins-Baie James	Bisson, Gilles (ND)
Ottawa South / Ottawa-Sud	<b>McGuinty, Hon. / L'hon. Dalton (L)</b> Premier and President of the Council, Minister of Research and Innovation / premier ministre et président du Conseil, ministre de la Recherche et de l'Innovation	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	<b>Smitherman, Hon. / L'hon. George (L)</b> Deputy Premier, Minister of Health and Long-Term Care / vice-premier ministre, ministre de la Santé et des Soins de longue durée
Ottawa West–Nepean / Ottawa-Ouest–Nepean	<b>Watson, Hon. / L'hon. Jim (L)</b> Minister of Health Promotion / ministre de la Promotion de la santé	Toronto–Danforth	Tabuns, Peter (ND)
Ottawa–Orléans	McNeely, Phil (L)	Trinity–Spadina	Marchese, Rosario (ND)
Ottawa–Vanier	<b>Meilleur, Hon. / L'hon. Madeleine (L)</b> Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre déléguée aux Affaires francophones	Vaughan–King–Aurora	<b>Sorbara, Hon. / L'hon. Greg (L)</b> Minister of Finance, Chair of the Management Board of Cabinet / ministre des Finances, président du Conseil de gestion du gouvernement
Oxford	Hardeman, Ernie (PC)	Waterloo–Wellington	<b>Arnott, Ted (PC)</b> First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Parkdale–High Park	DiNovo, Cheri (ND)	Whitby–Ajax	Elliott, Christine (PC)
Parry Sound–Muskoka	Miller, Norm (PC)	Willowdale	Zimmer, David (L)
Perth–Middlesex	Wilkinson, John (L)	Windsor West / Windsor-Ouest	<b>Pupatello, Hon. / L'hon. Sandra (L)</b> Minister of Economic Development and Trade, minister responsible for women's issues / ministre du Développement économique et du Commerce, ministre déléguée à la Condition féminine
Peterborough	Leal, Jeff (L)	Windsor–St. Clair	<b>Duncan, Hon. / L'hon. Dwight (L)</b> Minister of Energy / ministre de l'Énergie
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)	York Centre / York-Centre	<b>Kwinter, Hon. / L'hon. Monte (L)</b> Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Prince Edward–Hastings	Parsons, Ernie (L)	York North / York-Nord	Munro, Julia (PC)
Renfrew–Nipissing–Pembroke	Yakabuski, John (PC)	York West / York-Ouest	Sergio, Mario (L)
Samia–Lambton	<b>Di Cocco, Hon. / L'hon. Caroline (L)</b> Minister of Culture / ministre de la Culture	Burlington	Vacant
Sault Ste. Marie	Oraziotti, David (L)	Markham	Vacant
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	York South–Weston / York-Sud–Weston	Vacant
Scarborough East / Scarborough-Est	<b>Chambers, Hon. / L'hon. Mary Anne V. (L)</b> Minister of Children and Youth Services / ministre des Services à l'enfance et à la jeunesse		
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)		
Scarborough–Agincourt	<b>Phillips, Hon. / L'hon. Gerry (L)</b> Minister of Government Services / ministre des Services gouvernementaux		
Scarborough–Rouge River	Balkissoon, Bas (L)		
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)		
Simcoe–Grey	Wilson, Jim (PC)		
St. Catharines	<b>Bradley, Hon. / L'hon. James J. (L)</b> Minister of Tourism, minister responsible for seniors, government House leader / ministre du Tourisme, ministre délégué aux Affaires des personnes âgées, leader parlementaire du gouvernement		
St. Paul's	<b>Bryant, Hon. / L'hon. Michael (L)</b> Attorney General / procureur général		
Stoney Creek	Mossop, Jennifer F. (L)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



## CONTENTS

**Monday 16 October 2006**

### THIRD READINGS

#### **Access to Justice Act, 2006, Bill 14,**

*Mr. Bryant*

Mr. Delaney ..... 5495, 5497

Mr. Runciman ..... 5496, 5497, 5506

Mr. Kormos ..... 5496

Mr. Zimmer ..... 5496, 5509, 5513

Mr. Barrett ..... 5496

Ms. Martel ... 5504, 5506, 5510, 5513

Mrs. Mitchell ..... 5505

Mrs. Elliott ..... 5505, 5513

Mr. Bisson ..... 5505, 5510, 5514

Mr. Hardeman ..... 5509

Mr. Wilkinson ..... 5510

Mr. Sterling ..... 5511, 5514

Debate deemed adjourned ..... 5517

## TABLE DES MATIÈRES

**Lundi 16 octobre 2006**

### TROISIÈME LECTURE

#### **Loi de 2006 sur l'accès à la justice,**

projet de loi 14, *M. Bryant*

Débat présumé ajourné ..... 5517



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**Assemblée législative  
de l'Ontario**

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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 17 October 2006**

**Mardi 17 octobre 2006**



Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 17 October 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 17 octobre 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH

**Mrs. Christine Elliott (Whitby–Ajax):** I rise today in the Legislature to recognize October as Sudden Infant Death Syndrome Awareness Month, and this past October 15 as International Infant Loss Day. Sudden infant death syndrome, or SIDS, is the unexpected death of an apparently healthy baby that remains a mystery after a complete investigation and autopsy.

Let me begin by speaking on behalf of all honourable members in this Legislature as I offer my deepest condolences to every family that has undergone the tragic ordeal of suddenly losing an infant.

Today I would also like to recognize the work of the Canadian Foundation for the Study of Infant Deaths, a wonderful organization composed of nearly 1,000 volunteers devoted to solving the mystery of sudden infant deaths by funding various research projects through Dr. Sydney Segal research grants. The organization is also committed to providing emotional support for families affected by SIDS, offers public education and awareness programs about issues relating to infant deaths, advises new or expectant mothers about the latest prenatal health advice and education and, most recently, has expanded its mandate to include all sudden, unexplained or unexpected infant deaths. These volunteers are to be applauded for their hard work and commitment.

Unfortunately, I must also thank them for the work they will continue to do in the future. We must remember that with the help of organizations like the Canadian Foundation for the Study of Infant Deaths, although we're still looking for answers, hopefully those answers will be found very soon.

#### HOSPITAL SERVICES

**Mrs. Carol Mitchell (Huron–Bruce):** Recently, the Hanover and District Hospital averted closing its emergency room thanks to a very innovative strategy by Minister Smitherman's health ministry. Alongside the Professional Association of Interns and Residents of Ontario and the Ontario Medical Association, a made-in-Ontario solution was born by bringing in a new group of

doctors, third-year interns, to cover the emergency room. We support the use of these highly trained and enthusiastic residents in our province's emergency rooms. Third-year residents are licensed and they can practise in areas like intensive care units and ERs. Second-year residents could also work in ERs under a very limited licensure.

We call on the med school deans to support this plan. Everybody wins with this strategy as the community continues to get high-quality health care close to home and our residents are able to get the experience they need to become even better doctors.

The doctor shortage caused by the previous government won't be solved overnight. But by tapping into this pool of skilled doctors, hospitals like Hanover and District Hospital can continue to provide care to the community, close to home, and all the people of Ontario will benefit with this program.

#### GOVERNMENT'S RECORD

**Ms. Lisa MacLeod (Nepean–Carleton):** Yesterday, after flipping through a partisan government brochure touting the Liberal education plan, I waited for the Premier to announce his character education initiative.

When asked when this program was going to be put in place, he was non-committal; so was his education minister, who said, "Some time in the next couple of years." What a strong, character-filled response.

When asked about the standoff in Caledonia and the fact that the Premier is on record as saying it will be cleared up this winter, the response was, "Negotiations are under way." So much for leading by example in the character department.

Snow flew here at Queen's Park the other day. Is the Premier waiting for the winter equinox or the start of Australian winter? Delay after delay, dithering after dithering, Ontario never gets a firm date for action from this Liberal government, and it's starting to wear thin. Whether it's character education, Caledonia, surgical wait times, property taxes or the municipal review, there is always a commitment but never, never a follow-through.

Ontario families can't pay their bills "some time in the next few months," and they can't put food on the table just when they get around to it.

Saying anything because they can and because it's convenient is wrong. No firm timelines, no real commitments and no real results is not acceptable to the people of Ontario.



## POVERTY

**Ms. Andrea Horwath (Hamilton East):** Imagine trying to raise a family on less than \$10 an hour. That's the troubling reality for 37% of working women who lead single-parent families. One in five Ontario women is living in poverty. Many are socially isolated as well. The statistic is a provincial shame. Still, I don't see governments—particularly the McGuinty government here in Ontario—being leaders in the fight to change conditions that keep women and their children in poverty.

More than a decade ago, governments pledged to eradicate child poverty. So why has the problem grown worse?

In my community of Hamilton East, immigrant women, senior women, women receiving social assistance, women employed doing minimum-wage and part-time work grapple with difficult questions such as: Do I pay the rent or put food on the table? Do I pay the hydro bill or buy winter clothing for the kids? How can I keep my job without affordable child care? Will I lose my home because I can't pay the property taxes?

Every day in some Ontario community, a woman is breaking from the pressure, strain and hopelessness of living in poverty.

The McGuinty Liberals pretend they are taking action that is making a difference. If they were serious about it, they would immediately end the clawback of the national child benefit supplement, build the 20,000 affordable housing units the McGuinty government promised, ensure equal employment opportunities and equal pay, invest their promised \$300 million in affordable child care funding that never materialized, reform pension laws so more women in part-time and contract work have pensions, and take action on property taxes rather than waiting years and years.

Ending poverty among women benefits us all. For example, poverty is strongly linked to children's poor scholastic opportunities. It's time to end poverty in Ontario.

## TEENAGERS IN ACTION

**Mr. Kevin Daniel Flynn (Oakville):** I rise in the House today to congratulate and draw attention to a wonderful organization in my community of Oakville. The Oakville Teenagers in Action is a non-profit group that is driven by young citizens from Oakville.

Last year, they raised enough money to help build a school in a village in Sierra Leone, in Africa. This year, they are raising money to help build a well in the same village. The group not only generated corporate support, but they asked each Oakville teenager to pitch in with a \$5 donation.

I hope to have here in the Legislature a little bit later some members from that organization. At that time, I will be introducing and welcoming Fiona Burgess, the director, and Hina Parmar, who works with Fiona.

I'd also like to specifically thank all the school volunteer coordinators and the group as a whole. Having spent

some time in Africa myself, I know all too well the need for assistance on that continent. What these young people are doing is something we should all be doing ourselves. They're making a fundamental difference in the lives of people who really, really need help.

Again, my thanks and congratulations to the Oakville Teenagers in Action. I know all of us in this House hope they keep up the good work.

1340

## SMALL BUSINESS WEEK

**Mr. Ted Chudleigh (Halton):** I rise today to salute the thousands of entrepreneurs in Ontario because it is, after all, Small Business Week in Ontario, but the Minister of Small Business has yet to rise in the House to acknowledge this fact. Yesterday we heard from the government's Minister of Culture on library week and we heard from the Minister of Citizenship on Citizenship Week, both very noteworthy events. I would only think the Minister of Small Business would also wish to enlighten this House on the importance of Small Business Week.

This government continued to ignore the issues faced by small business. I suppose it wouldn't go over well for the Minister of Small Business to actually admit that his government's punitive taxation, regulation and energy policies continue to hurt small businesses in Ontario. This government has its head in the sand. The latest Royal Bank economic forecast has Ontario in last place—last place. Ontario is the caboose of Canada's economic engine. The Royal Bank's economic provincial outlook assesses the provinces according to a number of economic indicators, all of which have continued to be negatively affected by the McGuinty government's policy of higher taxation and broken promises.

Perhaps we are better off not to have heard from the government on the occasion of Small Business Week here in Ontario. We are all growing weary of their policy of saying anything to get elected. In the case of Small Business Week, it would seem that the government has stuck to an old adage: If you don't have anything good to say, don't say anything at all.

## MEDICAL DEVICES CANADA

**Mr. Phil McNeely (Ottawa—Orléans):** It's with great pleasure that I rise in the House today and offer words of welcome to representatives of MEDEC, the national industry association representing Canada's medical device and diagnostic companies. Representatives from the association and 16 member companies are here today to promote innovations in medical device technologies, as well as the good work this important sector does in our communities across the country.

Through their strong and valued partnership with health care professionals, patients, hospitals and governments across the country, MEDEC members are key drivers of innovation aimed at improving health out-



comes and the quality of life for patients in Ontario and across the country.

Throughout today, MEDEC members will meet with MPPs and political and public service staff to learn more about government and legislative processes. They will also share their views on how patient access to innovative and safe medical device technologies can advance health care, and how the medical device industry can contribute to enhancements in quality and delivery of care and a robust economy.

MEDEC will be hosting a reception in the legislative dining room today from 5:00 p.m. to 7:00 p.m., where political and public policy-makers will have further opportunities to speak directly with company representatives from across Ontario and take a look at just some of these important technologies. I'd encourage all members to attend.

I'd like once again to extend a warm welcome to MEDEC and their member companies represented here today. I wish them a very successful day at the Ontario Legislature.

#### JOSH KLUKIE

**Mr. Michael Gravelle (Thunder Bay–Superior North):** Last week in Thunder Bay, Private Josh Klukie, a dedicated Canadian Forces member serving in Afghanistan, was put to rest in a touching service which celebrated a life that ended too early. Words of solace seem impossible at times like this, but it is nonetheless vital that we try to pay tribute to this special young man who was so devoted to the mission for which he gave his life. Speaking yesterday with his mother, Carol, I was struck by how, despite her immense grief, she was intensely proud of Josh and how important it was for her to convey that pride to all those people who have supported her and her sons David and Daniel since that tragic day.

Mrs. Klukie revealed how lost Josh was when his beloved father passed away seven years ago and how he struggled to find his way for some time afterward. But she then described how he blossomed when he joined the military and went on to serve in Afghanistan. He firmly believed in the goals of the Canadian mission and knew he was making a difference. He is no longer with us, but his contribution to peace and his joy for life will never be forgotten.

Josh is the third Canadian soldier with Thunder Bay roots who has lost his life in Afghanistan. Corporal Anthony Boneca, the beloved son of Antonio and Shirley Boneca, was tragically struck down during combat this past July. He was buried with full military honours in Thunder Bay. This past April, Private Robert Costall, who spent his formative years in Thunder Bay, also lost his life.

Like the other Canadian soldiers who have perished during this mission, our Thunder Bay heroes will be remembered always as brave men who made the ultimate sacrifice for their country, but also as vibrant young men with once limitless futures who leave behind many

heartbroken family members and friends who, like us, shall never forget them.

#### MARK WILSON

**Mr. Khalil Ramal (London–Fanshawe):** I am speaking today on a sad note. Yesterday, I attended the funeral of fallen soldier Mark Andrew Wilson. Mark was a soldier with the Petawawa-based Royal Canadian Dragoons. Wilson was 39 years old. He was killed Saturday, October 7, 2006, when his armoured vehicle was hit by a bomb west of Kandahar, Afghanistan.

Mark lived in Sudbury with his wife and their two sons. Mark is also survived by his loving twin brother, his sister and his parents who reside in London, where Mark grew up. Wilson's family wants him to be remembered as a brave soldier, an avid outdoorsman and a loving father.

I would like to take this time to extend my deepest condolences to Mark's family and express to them how grateful we are for the sacrifice Mark made throughout his service in the Canadian Army. I would also like to take this time to acknowledge and send my condolences to the other 41 Canadian families who have lost a loved one in Afghanistan.

Mr. Speaker, I ask, on behalf of my colleague from Thunder Bay and myself, that each and every one of us take a moment to pay our respects to all of our fallen Canadian soldiers.

**The Speaker (Hon. Michael A. Brown):** Mr. Ramal has asked for unanimous consent to pause for a moment of remembrance. Agreed? Agreed.

*The House observed a moment's silence.*

**The Speaker:** Thank you.

#### VISITORS

**Mr. Kuldip Kular (Bramalea–Gore–Malton–Springdale):** On a point of order, Mr. Speaker: With your kind permission, I want to introduce a visitor from Punjab, India: Sant Baba Balbir Singh. He has been a community social worker, well recognized by the President of India.

Accompanying him are some of my constituents: Sukhbir Nijjar, who is a host of the Punjabi television program Watno Dur, and Harpreet Singh, Nachattar Singh, Paramjit Deol, Hakam Singh, Sukha Bhopal and Tarsem Singh. I want to welcome them to Queen's Park.

#### WEARING OF PINS

**Mrs. Christine Elliott (Whitby–Ajax):** On a point of order, Mr. Speaker: I seek unanimous consent for all members of this Legislature to wear the baby's breath pin in SIDS awareness, in recognition of October being SIDS Awareness Month.

**The Speaker (Hon. Michael A. Brown):** Mrs. Elliott has asked for unanimous consent to wear the baby's breath pin. Agreed? Agreed.



## VISITORS

**Mr. Kevin Daniel Flynn (Oakville):** On a point of order, Mr. Speaker: I'd like to take this opportunity to introduce to the House, from the organization Oakville Teenagers in Action, Ms. Fiona Burgess and Ms. Hina Parmar, and their families. They built a school in Sierra Leone and travelled again this year to help those in Africa who are far less fortunate than us.

If the House would recognize them, it would be appreciated.

## INTRODUCTION OF BILLS

TRANSCANADA HIGHWAY  
IMPROVEMENT ACT  
(HIGHWAY 17), 2006

LOI DE 2006

SUR L'AMÉLIORATION DE L'AUTOROUTE  
TRANSCANADIENNE (ROUTE 17)

Mr. Orazietti moved first reading of the following bill:

Bill 149, An Act respecting the improvement of Highway 17, part of the TransCanada Highway / Projet de loi 149, Loi ayant trait à l'amélioration de la route 17, qui fait partie de l'autoroute transcanadienne.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

1350

**Mr. David Orazietti (Sault Ste. Marie):** The bill proposes federal-provincial discussions for the development of a plan for the improvement of the Highway 17 portion of the Trans-Canada Highway to enhance the regional economy and improve public safety. The bill identifies several ways in which to improve Highway 17, including, but not limited to, increased passing lanes, paved shoulders, rest stops and widening to four lanes. I hope this bill will have the support of the entire House, as it will greatly benefit all northern communities and businesses as well as the economy of the entire province.

EMPLOYMENT STANDARDS  
AMENDMENT ACT (RAISING THE  
MINIMUM WAGE), 2006

LOI DE 2006 MODIFIANT LA LOI SUR  
LES NORMES D'EMPLOI  
(AUGMENTATION DU SALAIRE  
MINIMUM)

Ms. DiNovo moved first reading of the following bill:

Bill 150, An Act to amend the Employment Standards Act, 2000 / Projet de loi 150, Loi modifiant la Loi de 2000 sur les normes d'emploi.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

**Ms. Cheri DiNovo (Parkdale-High Park):** It has been said that we can't afford in this province a minimum wage of \$10 an hour. I maintain, and so does the New Democratic Party, that we can't afford not to have a minimum wage of \$10 an hour. One in six of our children lives in poverty and 13,500 children use food banks in the GTA. This bill will primarily affect the lives of women and children in our province. It is our moral and ethical responsibility to enact this bill.

## MOTIONS

## HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Tuesday, October 17, 2006, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1353 to 1358.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

## Ayes

Arnott, Ted	Gerretsen, John	Peterson, Tim
Arthurs, Wayne	Gravelle, Michael	Phillips, Gerry
Balkissoon, Bas	Hardeman, Ernie	Qaadri, Shafiq
Barrett, Toby	Hoy, Pat	Ramal, Khalil
Bentley, Christopher	Jeffrey, Linda	Runciman, Robert W.
Bradley, James J.	Klees, Frank	Ruprecht, Tony
Broten, Laurel C.	Kular, Kuldip	Sandals, Liz
Bryant, Michael	Kwinter, Monte	Scott, Laurie
Cansfield, Donna H.	Leal, Jeff	Sergio, Mario
Chambers, Mary Anne V.	Levac, Dave	Smith, Monique
Chudleigh, Ted	Matthews, Deborah	Smitherman, George
Colle, Mike	Mauro, Bill	Sterling, Norman W.
Crozier, Bruce	McNeely, Phil	Takhar, Harinder S.
Di Cocco, Caroline	Meilleur, Madeleine	Tascona, Joseph N.
Dombrowsky, Leona	Miller, Norm	Tory, John
Duguid, Brad	Mitchell, Carol	Van Bommel, Maria
Duncan, Dwight	O'Toole, John	Watson, Jim
Elliott, Christine	Orazietti, David	Witmer, Elizabeth
Flynn, Kevin Daniel	Parsons, Ernie	Wynne, Kathleen O.
Fonseca, Peter	Peters, Steve	Zimmer, David

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

## Nays

Bisson, Gilles	Kormos, Peter	Prue, Michael
DiNovo, Cheri	Martel, Shelley	Tabuns, Peter
Horwath, Andrea	Murdoch, Bill	Yakubski, John

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 60; the nays are 9.

**The Speaker:** I declare the motion carried.

## VISITORS

**Mr. Norman W. Sterling (Lanark–Carleton):** On point of order, Mr. Speaker: I'm sure all members of the Legislature would like to join me in welcoming the parents and family of page Stephen McGuire from Smiths Falls. Stephen is the grandson of a former MPP, Leo Jordan, who represented Lanark–Renfrew. In our audience we have Michael, Stephen's father; Helen, Stephen's mother; and, most importantly, young Shamus. To all of you, welcome.

STATEMENTS BY THE MINISTRY  
AND RESPONSES

## YOUTH ENTREPRENEURSHIP

**Hon. Harinder S. Takhar (Minister of Small Business and Entrepreneurship):** I am pleased to inform the Legislature about an important investment that furthers the McGuinty government's support for youth entrepreneurship in Ontario.

Small business and entrepreneurship is the foundation of our economy. The 340,000 small businesses operating across the province employ over half of Ontario's workforce and create valuable jobs for Ontario workers.

The Ministry of Small Business and Entrepreneurship understands that small business growth brings economic prosperity to communities across the province. For this prosperity to continue, our youth must be able to fill and exceed our roles as future business leaders.

I am proud to announce that the government of Ontario has provided the Canadian Youth Business Foundation with over \$1 million—actually, the amount is \$1.7 million—to ensure that our young entrepreneurs will be able to get their businesses off the ground and products to market faster.

The Canadian Youth Business Foundation supports youth entrepreneurship across the province—young entrepreneurs like Chris, who I had the pleasure of meeting this morning. Chris runs a company called JobLoft.com. JobLoft.com is an online job board where employers in the retail, food services and hospitality industries can advertise vacant job positions they wish to fill. JobLoft allows people seeking work to search for jobs by entering their postal code to view nearby job postings using Google map software. Chris plans to expand his business and enter the US market in the near future.

The Canadian Youth Business Foundation helped bring Chris's dream from the drawing board to the market, as it does for so many aspiring entrepreneurs. The Canadian Youth Business Foundation is one of our key partners, and it works with other partners like 19 small business enterprise centres and volunteer business mentors to make it easier for our young entrepreneurs to give life to their ideas. The Canadian Youth Business Foundation provides this program to youths throughout

Ontario, ensuring that every young person with an entrepreneurial spirit has the opportunity to potentially benefit from its services.

The funding provided to the Canadian Youth Business Foundation will be used to give qualifying young entrepreneurs repayable loans, allowing them to have the financial support that is needed to launch a business. Canadian Youth Business Foundation volunteers will mentor the new businesses during their initial stages, ensuring a successful start-up phase.

An investment in entrepreneurship is an investment in a better quality of life for many Ontarians. The Canadian Youth Business Foundation estimates that this funding will create over 2,500 jobs and generate \$50 million in gross revenue over the next four years. I am pleased that our next generation of entrepreneurs is contributing to the strength of Ontario's economy at such an early age.

My ministry also understands that it is important for Ontario's entrepreneurs to build international relationships so that they may prosper in the global economy. That's why we are developing a pilot project that will give post-secondary students the opportunity to travel abroad and experience how international businesses operate and learn why Ontario's role in the global marketplace is critical to our prosperity.

There are hundreds of young entrepreneurs nurturing exciting new ideas that have the potential to help our economy prosper, but without money or business expertise, some of these ideas may never see the light of day. That's why the government of Ontario launched its \$46-million market readiness program. It provides entrepreneurs with the money they need to bring their ideas from the drawing board to the market.

The McGuinty government champions the entrepreneurial spirit that drives our economy forward. Since May of this year, my ministry has worked hard to promote youth entrepreneurship across the province. We invested over \$1 million in the Summer Company program and had a record number of 370 students accepted. Eight hundred fifty students participated in the Ontario secondary school business plan competition in 2006, the highest number to date, and we will be announcing the winners of the competition next month. The success of our programs shows that entrepreneurship is alive and well in Ontario.

The government of Ontario recently signed an agreement with the federal government to set a new standard for business income tax collection in the province. The new agreement provides business owners with one set of rules to follow, a single tax form to complete, and the CRA as the single point of contact when submitting their tax information. This new system will allow entrepreneurs to save time and money so they can focus on more important issues, like growing their own business.

Our government's investment in the Canadian Youth Business Foundation provides more opportunities for Ontario's future business leaders to turn their ideas into real enterprises. We are very proud to support the Canadian Youth Business Foundation. After all, an invest-



ment in our youth is an investment in a better future for all of us.

As I said on October 3, 2006, in the Legislature, we have lots to celebrate in Ontario, and during October we are celebrating Salute to Small Business Month. We want to recognize the outstanding contributions small business owners and entrepreneurs make every day in our province.

**Mr. Peter Kormos (Niagara Centre):** I can't control my enthusiasm. Stop.

**Hon. Mr. Takhar:** The member from Niagara's enthusiasm is always out of control.

Our government is celebrating the spirit of Ontario's 340,000 small and medium-sized business and youth entrepreneurs and their success. We want all small business owners and operators to feel proud of what they do. I encourage everyone to support small businesses and young entrepreneurs.

1410

#### SCHOOL BUS SAFETY WEEK

**Hon. Donna H. Cansfield (Minister of Transportation):** I rise in the House today to talk about an important matter for all Ontarians: the safety of our children.

Earlier today, I joined the Ontario School Bus Association at Princess Margaret public school in Etobicoke to mark School Bus Safety Week, which runs until October 20.

About 800,000 children ride a school bus every week-day in Ontario, and now they are even safer than they were before. According to the latest Ontario Road Safety Annual Report, ORSAR, for the second year in a row Ontario has the safest roads in North America.

Fewer children aged 9 or under were killed or injured on Ontario roads in 2004; we hope one day that will be zero. The report also shows a 13.3% drop in the number of pedestrian fatalities compared to the year before.

These statistics are important, because about 70% of school-vehicle-related deaths happen while students are crossing the street or getting on and off the bus. The McGuinty government has made the safety of children a priority, with legislation in 2004 to improve school bus safety and, in 2005, to crack down on speeders and those who ignore the rules at crosswalks and school crossings.

We required new safety features on buses, including an arm at the front of new buses to prevent children from walking out in front of the vehicle where the driver can't see them. The owner of any vehicle that illegally passes a school bus now faces charges, regardless of who is driving at the time. We require decals on the back of every school bus reminding other drivers of the \$2,000 fine for illegally passing a stopped school bus. We have increased the fines for speeding from 30 to 34 kilometres over the speed limit and added three demerit points for those who endanger pedestrians at crosswalks.

I have asked the Ministry of Transportation to review if there is a need for seat belts on school buses. There is a

wide variance of opinion on the topic, and the Ministry of Transportation is gathering as much information as it can to see if the current policy needs to be changed.

School buses travel nearly two million kilometres every school day in Ontario. School Safety Bus Week is an important public education tool to remind drivers of the importance of safety around our schools, around our school buses and, of course, around our children.

Our government works closely with safety partners such as the school boards across the province, the Ontario School Bus Association, the Ontario Safety League and others to make sure everyone in Ontario knows how important it is to drive with caution near school buses and school zones.

We also work with the school boards across the province to educate children about safety. I spent my morning with Buster the School Bus, where we looked at all the challenges that children face dealing with getting on and off the bus and being safe. It's important for them to look both ways before crossing the street and getting on and off that school bus. So we're doing what we can to keep children safe on school buses and also wherever they travel in Ontario.

I know all members will want to join me in supporting School Bus Safety Week. I'd like to take just a moment to say a very special thank you to the school bus drivers who, every day, work to ensure that our children are delivered to school and from school to their home or place of pickup safely. They are truly remarkable people who, at times, have to be everything from an educator, a teacher, to a disciplinarian, a social worker and maybe even a nurse. We are indeed fortunate to have these folks who work within the school bus association and the systems on behalf of all our children in Ontario.

**The Speaker (Hon. Michael A. Brown):** Responses?

#### YOUTH ENTREPRENEURSHIP

**Mr. Ted Chudleigh (Halton):** Supporting an organization like the Canadian Youth Business Foundation is the least this government could do, and what a great organization it is. It is, after all, this government's policies of broken promises, high costs and saying anything to get elected that most hinder small business success in Ontario.

Perhaps the government should take a page from the CYBF book and look at how they can better help small businesses to succeed instead of crushing them with punitive regulations, high energy prices and unfair property, income and business taxes. Any small business success story in Ontario is well received. However, this government is so lacking in stories of its own that it is forced to look to the non-profit, charitable sector in order to find an example of how to help small businesses succeed in our province.

I refer to the World's Finest Chocolate Factory, the Prescott Shirt Co., Curwood Packaging, Winpack Technologies, Blue Mountain Pottery, Trent Rubber, Glenoit, Glis, Bazaar and Novelty, Rheem Canada, and



Harrowsmith cheese—all companies that have ceased to exist in Ontario. If only the new ministry dedicated solely to small business and entrepreneurship in Ontario was as effective as CYBF, then small businesses in Ontario would have a true public sector resource to rely upon instead of the stories that we hear about the closing of manufacturing plants in Ontario and the demise of the manufacturing jobs, the backbone of Ontario's economy.

### SCHOOL BUS SAFETY WEEK

**Mr. John O'Toole (Durham):** On behalf of the John Tory opposition party, we're certainly in support of recognizing the important work and important role of the school bus operators and drivers. We do extend our thanks to them.

In following up on the theme today of "Cross With Care," certainly it is good advice to drivers because, as you know, the Highway Traffic Act has recently been changed to include a fine of \$2,000 and the potential of six demerit points.

As of September 1, 2005, owners of vehicles may be charged if their vehicle passes a school bus illegally while it is stopped with its warning lights flashing. They should also be aware that the bus driver has the ability to write down the licence plate number and report that to the police, and a fine will ensue.

I spoke with Rick Donaldson of the Ontario School Bus Association. He points out that, indeed, over 800,000 children are transported each day on 16,000 school buses. Importantly, Transport Canada research shows that on a per passenger, per kilometre basis, the occupants of school buses are 16 times more likely to be injured in road collisions than the occupants of any other vehicles. This statistic is alarming, and I think the minister should respond with some sort of action plan.

Importantly, yesterday, you talked about the seat belt issue, and you brought something forward. Minister, you said this morning that you would have MTO officials review the need for seat belts on school buses. Contradicting that, just after you said that, Dalton, the Premier, said today, before going into caucus, "It's in fact safer for children not to have seat belts." So it seems there's some confusion for any strategy on that side of the House, but one thing that is clear is we on this side would give the school bus operators the resources they need to do the job safely.

I know most members here have met with their school boards, and the top three issues they brought to our attention were the reduction in funding for autism, the reduction in funding for school bus operations and the resources for special education generally. So school buses aren't being given the tools to do the job safely.

I would only say that school bus safety is important for students, but each of us has an important responsibility, whether it's the parent, the students themselves, the bus operator or indeed, the education community.

I want to conclude with some advice to the Minister of Education. This is a part of the plan that you could

simply bring in to play: funding the school bus association appropriately. You know that's an issue. You know it's appropriate to the theme today of School Bus Safety Week, "Cross With Care." I'm looking for some sort of strategy or some kind of consistent response from the McGuinty government. It seems they have a lot of pleasant tone but very little substance in any of their commitments here today.

### YOUTH ENTREPRENEURSHIP

**Ms. Cheri DiNovo (Parkdale-High Park):** Certainly small business is the engine of our economy, both in Ontario and in Canada. I had the pleasure of running my own small business for over seven years and being in corporate life for many more years than that, so I speak with some experience.

I'm looking at the Canadian Youth Business Foundation, and I'm concerned a little that this is just a mere beginning. It's a mere beginning in terms of what we need to do for this group of young people between 18 and 34.

First of all, we should know that this group, among all groups, suffers one of the highest levels of unemployment—that is partly due to the policies of our government—and also, they suffer the burden of student loan debt to a greater degree now than ever in Ontario.

#### 1420

When we look at what the Canadian Youth Business Foundation actually does for them, what we really see is a mentorship program and an opportunity to get yet another loan. This is a loan program through the CIBC that gives them prime plus 2%. That's what it is. Certainly, we require far more for our young people than a mentorship program and another loan program that they may not be able to pay back, because we know that most first business attempts tend to fail. That's the reality of small business. So, really, what we're doing here is saddling our young people with yet another debt—a \$7,000 to \$15,000 debt—added to their student loan debt, which they will accrue as well.

We in the New Democratic Party would like to see some real progress on this. We would like to see grants, not loans.

### SCHOOL BUS SAFETY WEEK

**Mr. Peter Tabuns (Toronto-Danforth):** I rise to respond to the Minister of Transportation. We in the NDP welcome all initiatives that improve school bus safety. Unfortunately, in the past it has been the practice of the McGuinty government to introduce new safety requirements without providing support to the school boards so they can afford to actually implement them as they are meant to be implemented.

Imposing new costs without changes to the school funding formula hits school boards and school bus operators. When we fail to address the need for increased transportation funding under the school funding formula,



we download the cost of safety onto the school boards and the school bus operators. That's a problem for schools and school boards across this province.

In opposition, the McGuinty Liberals said they would implement the recommendations of the Rozanski report. Those recommendations with respect to transportation funding have been sitting there for over three years now and no mandate for reform is in sight.

Underfunding of school bus operators, of school bus transportation, is not the road to safer buses. Operators need to have the necessary funding to implement higher standards and to attract safe drivers. The reform of school bus funding, school transportation, is just one more area where the Liberals promised to act while they were in opposition, yet have done nothing while in government.

## ORAL QUESTIONS

### ONTARIO ECONOMY

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. It seems that every day Ontarians wake up to see more headlines about troubles in our economy. Here is just a sample: "Ontario on Brink of 2006 Recession"—that's from the National Post.

*Interjections.*

**Mr. Tory:** If you don't like that one: "Growth Outlook Places Ontario Last"—Toronto Star, October 14; "Sorbara's Prophecy of Doom is Coming True"—Globe and Mail, October 14; "Ontario's Jobless Rate Rises"—Toronto Star, October 7; "Calgary Could Take City's"—Toronto's—"Title as Economic Capital"—National Post, October 17.

A recent report from the Royal Bank of Canada says Ontario will "narrowly avoid a recession." We're ranked 10th out of 10 provinces for economic growth this year. Growth has, for all intents and purposes, stagnated.

Premier, you've seen this coming. You've had the time and the money to conceive of multi-million dollar advertising campaigns to tell us all how good things are. Where is the plan to deal with the economy? Where is the plan to deal with the job losses we've seen in this province, a plan that you said would be coming forward? Where is it?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Again, I'm not inclined to be pessimistic, as the leader of the official opposition is. I'm very optimistic about the economy, and particularly the ability of Ontarians and Ontario entrepreneurs to manage their way.

The leader of the official opposition asks me what we have been doing to strengthen the economy. I will tell you that we have been doing all the things we need to do. We're investing in the education and skills of our people. We're investing in the health of our people. We are also working very well with both labour and business. Whether we're talking about the auto sector, advanced

manufacturing, forestry or agriculture, we're doing all the kinds of things we need to do. In addition to that, we have a \$30-billion infrastructure plan.

When you hear from economists—and I have heard from many—they tell us that you've got to invest in your people, you've got to invest in your infrastructure, and you've got to find ways to work with business and labour. We're doing those very things.

**Mr. Tory:** We'll concede there's an initiative to do with the auto industry, but when it comes to the rest of it, whether it's forestry or other manufacturing, there is no plan; that is a fact. There is no plan in this province; there is no strategy. In fact, your reaction throughout, when we have confronted you with news of this crisis affecting thousands and thousands of Ontarians, has been to belittle it. At one time, in November 2005, you called it "a little bit of contraction." Your former parliamentary assistant, Tony Wong, who rushed for the exit, called communities that were upset about job losses "cry-babies." The member for Guelph-Wellington, sitting beside you today, said about job losses in her community that they did prove that the government legislation to reduce smoking was at least working.

Premier, 100,000 manufacturing jobs lost since 2005 is not a little bit of contraction; predictions of 50,000 more manufacturing jobs to be lost is not a little bit of contraction. Ontarians deserve a serious plan. Where is a comprehensive plan from your government on the economy and job losses?

**Hon. Mr. McGuinty:** I hope the international investment community is not listening to the leader of the official opposition, because I'm not sure there is any more effective spokesperson in all the province when it comes to talking down the Ontario economy. He's very effective in that regard.

We consider it our responsibility to continue to work, with a sense of optimism, with labour and with business. The leader of the official opposition doesn't like to hear this, but the fact of the matter is that while it's true we've lost some jobs during the course of the past few years, overall we've gained 254,000 net new jobs.

Again, we've got a great plan in place. We're always looking for more opportunities. I know that my new Minister of Economic Development and Trade has some announcements in the wings. I know the leader of the official opposition looks forward to those with great impatience, but again, we are optimistic about the economy. We will continue to work with both business and labour.

**The Speaker (Hon. Michael A. Brown):** Final supplementary.

**Mr. Tory:** The McGuinty government has more things in the wings and in the pipeline and on the way and all that sort of thing, but the fact is, while you have things in the wings and on the way and in the pipeline, last month 34,000 jobs were lost in this province. The TD Bank says any results in the auto sector are what they call a temporary reprieve. The CIBC says Ontario is a graveyard for manufacturing jobs. That's not a politician or the



Leader of the Opposition speaking; these are some of the leading banks and financial institutions in this country.

Now, I asked you about a resolution passed in this House with the support of many of your members—in fact, unanimously on all sides—calling on your government to introduce a comprehensive plan immediately to deal with these job losses and to bolster the economy. When will you keep your word, respect the wishes of the members of this House and bring forward a comprehensive plan? We're not looking for it to be in the pipeline or in the works or on the way; we're looking for help for these people now.

**Hon. Mr. McGuinty:** Let me tell you about some of the things we're doing in addition to generating growth by working with business and with labour. We have, as my friend opposite will know, led the first Ontario government to enter into a labour market development agreement with the federal government that will transfer existing programs to the province and give us more say over those programs, to use them in the way that best serves the needs of Ontarians.

But here is an important issue: I also entered into an agreement with then Prime Minister Martin for a labour market partnership agreement that would bring \$314 million annually to expand and enhance our labour market programs. That was part of the McGuinty-Martin agreement. The federal Conservative government has yet to flow one single penny of that money. I ask the leader of the official opposition to pick up the phone, phone Prime Minister Harper and tell him to send us the \$314 million that will help Ontarians who are caught in this economy and losing their jobs.

1430

## UNEMPLOYMENT

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier again. Your governing strategy has been clear from the beginning: It's to blame anybody you can and not accept any responsibility; it's to make wild promises; it's to break those promises and lurch from crisis to crisis. It's how you've handled the emergency room crisis, it's how you've handled energy, it's how you've handled Caledonia, it's how you've handled everything.

There's a crisis today in Sarnia, where 380 jobs have been lost at Dow Chemical; Stratford losing 280 jobs at Dura Automotive; St. Marys, 100 jobs at Dana Corp. The people in Sarnia, Stratford and St. Marys are wondering why you won't listen to the Legislature, including your own McGuinty Liberal members who voted to bring forward a comprehensive plan immediately to help these communities and these families that are losing jobs. Why won't you bring forward a plan to help these communities and the tens of thousands of people who have lost their jobs? Why won't you do it? Where is the plan?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm more than pleased to

join the debate on this very specific issue. The leader of the official opposition asks me what are we going to do to ensure that we provide all the necessary supports and assistance to Ontarians who lose their jobs as a result of dislocation in this economy.

As I say, on behalf of a government that has done this for the very first time, we have entered into a labour market development agreement with the federal government—never been done—that will give us control over those federal monies so that we can deploy them in a way that best meets our particular needs. But there's the outstanding matter of a labour market partnership agreement I signed with Prime Minister Martin. He said, "I'll send you \$314 million so you can use that to enhance your programs."

I say again to the leader of the official opposition: Ontarians want to know on whose side he's on. Is he on Prime Minister Harper's side or is he on the side of the people of Ontario who have lost their jobs?

**Mr. Tory:** Again no answer from the Premier. What the people of Ontario do know is that there were more people unemployed in this province in September of this year than compared to September—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** We just can't keep doing this. I need be able to hear the Leader of the Opposition place his question. The Premier needs to be able to hear the question also. It can't happen if everyone else is speaking at the same time.

**Mr. Tory:** The people of Ontario do know that there were more people unemployed in this province in September of this year than September of last year. They know that our unemployment rate is above the national average for only the second time in 30 years. That includes 110 people in St. Thomas who were laid off last month by Sterling Truck. Another 500 will lose their jobs in the spring of 2007. AFG laid off another 250 people.

They don't want rhetoric. They don't want multi-million dollar taxpayer-financed advertising propaganda. They don't want your new government logo. They don't want you to say whatever it is you think will help you to win an election. They don't want you blaming anybody else. They want you to stand up in your place and take some responsibility for the fact that your members voted with us when we moved a resolution calling for a comprehensive plan to help the communities and people who have been losing their jobs.

Where is that plan? It's your plan. Your people voted for it. The people of Ontario, thousands of them, are waiting. Where is the plan?

**Hon. Mr. McGuinty:** The leader of the official opposition has had two opportunities now, and I'll give him a third. One of the things that we're asking the federal government to do is to fund an agreement that the Prime Minister specifically said he would honour within the context of the last campaign. He said in writing to me that he would honour the Canada-Ontario agreement. Part and parcel of that agreement is \$314 million to be delivered to the people of Ontario so that we can better



enhance and support their employment dislocation program. What the people of Ontario now want to know is whether or not Mr. John Tory stands with the federal government in Ottawa or stands with the people of Ontario and their province at Queen's Park.

*Interjections.*

**The Speaker:** Order.

**Mr. Tory:** I am the one who is here asking questions on behalf of the people of Ontario today, and you are the one who is adopting your usual strategy of dither, deny, deflect, blame anybody and don't accept any responsibility. The results are that the people—

*Interjections.*

**The Speaker:** Final supplementary?

**Mr. Tory:** The people who are losing their jobs, thanks to the inaction of the McGuinty government, are the very people who need the support systems that your government has also ignored and for which they're here protesting today. Your dithering, denials and deflections are no help to the people of Chatham, for example, who are staring at 500 job losses next month, thanks to layoffs at International Truck. They're no help to people across the north, who are seeing communities hollowed out, houses being stripped entirely of their value and thousands and thousands of people losing their jobs while you plan your next self-congratulatory ad campaign.

People want to know where the plan is. It was a plan that 31 of your MPPs voted for in December of last year, a comprehensive plan to be brought forward immediately to deal with jobs and the economy. Where is your plan that your people voted for and that you said you'd bring forward? Are you going to keep your promise, or is this one going to go the way of so many others and be broken?

**Hon. Mr. McGuinty:** Let me tell you just a little bit about the program that we have in place, a rapid re-employment program. We issue a call within one hour of getting news about a company that's going down; we send notice to the company and the union by way of a phone call. We've expanded our Job Connect program to include counselling and job advice, and we've added training and academic possibilities at our colleges. But just think of what we could do with 314 million more dollars.

We've been the first government to enter into a labour market development agreement with the federal government. But I ask the leader of the official opposition—

*Interjections.*

**The Speaker:** I remind members that I also need to be able to hear the Premier respond to the question.

Premier.

**Hon. Mr. McGuinty:** On behalf of all Ontarians, who have some middling interest in what it is that weighs heavily in the mind of the leader of the official opposition, what they want to know is, whose side is he on? They feel they're owed \$314 million for this new labour market program. They know that the people on this side of the House support them in their quest to get that

money. What they really want to know is, is Mr. Tory on their side or is he on Prime Minister Harper's side?

## POVERTY

**Mr. Howard Hampton (Kenora-Rainy River):** My question is for the Premier. In May, the United Nations released a report on poverty in Ontario and Canada. The report says that too many aboriginal people, too many African Canadians, too many immigrants, too many youth, too many women, too many single moms with kids and too many of our disabled are living in poverty. But instead of addressing poverty in Ontario, the McGuinty government is spending millions of dollars of public money on self-serving ads to promote itself.

1440

Premier, today is the United Nations' International Day for the Eradication of Poverty. Why is the McGuinty government wasting millions of dollars on TV ads promoting itself and telling the people everything is okay in Ontario when one in seven Ontarians live in poverty?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** There's an important, substantive issue here, but first of all let me say—as the leader of the NDP knows, even though he voted against the legislation—that there's a new law on the books in Ontario that says all the advertising has to be vetted by the Provincial Auditor. He voted against that, but we thought it was a good law and we will continue to respect that law.

Let me say something about the issue of poverty. Without a doubt, there is more work to be done in that regard and, we will not rest until we've done as much as we possibly can to help provide better supports to people who are affected by poverty in Ontario.

An important question is whether we're making progress, and I think by any objective measure we are. We are building 15,000 new affordable housing units. We have an agreement with the federal government and our municipal partners: 15,000 new affordable housing units, and we're going to provide 5,000 rent supplements. We provided a 5% increase for our homelessness programs and emergency shelters. We have free vaccinations for children: Over one million children have received vaccinations. That saves families up to \$600 per child.

Those may not be the kinds of things that the leader of the NDP thinks constitute progress, but we think we're moving in the right direction.

**Mr. Hampton:** I think what we just heard is that you think it's a good idea to spend millions of dollars of public money promoting your government while people live in poverty.

You talk about objective measures. Under the McGuinty government, one in four workers in this province still falls below the poverty line. They work every day, but at the end of the month they still fall below the poverty line, under your government. Low-wage work, temporary work and on-call work is increasingly the



economic reality for new immigrants, for women, for workers of colour and even for young graduates trying to pay off their student debts. These jobs mean people fall below the poverty line, Premier.

My question again: Instead of spending millions of dollars of public money promoting yourself, why don't you invest some of that money to try to make life better for the thousands of families living below the poverty line?

**Hon. Mr. McGuinty:** Something else the leader of the NDP is uncomfortable acknowledging is that we've increased the minimum wage three times now on our way to \$8 per hour. Also, 84,000 more children are being served through our student nutrition programs. We're the first province in Canada to fund insulin pumps for children. We have doubled our child care investment. We are waiving cost-sharing on new child care funding, which saved municipalities \$140 million over four years. By the end of this year, we will have created 15,000 new child care spaces.

All of those speak to our continuing commitment as a government to help Ontarians who are less fortunate and who are in need of a bit of assistance, and we are proud to provide it.

**Mr. Hampton:** The Premier talks about child care spaces. You haven't invested one cent of provincial money in child care. That's all federal money that's created child care spaces.

Premier, it takes a split second to fall into poverty. You lose a good manufacturing job, you get sick or you're injured or you lose your home because you can't pay the escalating property taxes. You have to quit work because there aren't enough child care spaces.

Premier, under your government—the McGuinty government—118,000 good-paying manufacturing jobs have been lost, and many of those families are now struggling in poverty. The Royal Bank says Ontario's economy is dead last in Canada.

I say again, Premier: With the situation this serious, why are you spending millions of dollars of public money on television ads to promote your government while so many people live in poverty and many more are falling into poverty?

**Hon. Mr. McGuinty:** Again, as the leader of the NDP knows, even though it's a law that he voted against, all government advertising now, for the first time in Ontario—and I believe the first time in Canada—is subject to approval by the Provincial Auditor.

Let me tell you about some of the other things we've done to help our most vulnerable: We're investing \$276 million in new places to live and for supports and services for Ontarians with a developmental disability. We've put in place a \$100 monthly work-related benefit for ODSP recipients, to help with extra costs relating to work—in particular, transportation. We're investing \$28.2 million to help universities and colleges provide services for students with disabilities. In post-secondary education, as the leader of the NDP well knows, we've brought back provincial grants. Some 60,000 students

from our poorest families in Ontario, this September, are receiving outright grants; they don't have to pay us back. Again, I think there is more to do, but I also think it's fair to say we're making some real progress.

**The Speaker (Hon. Michael A. Brown):** New question.

**Mr. Hampton:** To the Premier: You want to talk about your record. You promised compassion for low-income Ontarians, but the reality is, when you factor in the cost of living, the lowest-income Ontarians are actually worse off under your government than they were under the former government: Hydro rates have escalated by 55%; rents for lowest-income people haven't come down; the cost of heating has gone up.

Premier, you went on the attack when a former Conservative minister suggested that poor people should buy tuna in dented cans, but then your government cut sick people off their special diet supplement, and you told someone with Lou Gehrig's disease to buy a blender.

Premier, the question again is this: What happened to your promise to help low-income and vulnerable Ontarians? Are they less important than the millions of dollars of public money you spend on TV ads to promote yourself?

**Hon. Mr. McGuinty:** To the Minister of Community and Social Services.

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for francophone affairs):** When parents succeed, children succeed. Since taking office, our government has created 254,000 new jobs. In 2003, we inherited not only a fiscal deficit but a compassionate deficit. We are making good investments to help our most vulnerable families. We are investing, this year, \$10.3 billion for family and social services. We have increased the minimum wage two times, and we are in the process of increasing it for a third time. We are investing \$40 million to improve the Family Responsibility Office, and we have invested \$68 million for the domestic violence action plan.

**Mr. Hampton:** It's no surprise that the Premier doesn't want to answer these questions, but this is another one of the Premier's promises: Three years ago, Premier, you made a promise to 171,000 of the poorest children in Ontario. You promised to stop clawing back the national child benefit supplement. You said, "The clawback is wrong, and we will end it." Then, you forgot all about it. As a result, over 178,000 of the poorest kids in Ontario go without breakfast. They go, in some cases, without proper winter clothing. They go, in some cases, without a place to live. Today is the day for you to stand up and do something meaningful for the poorest people in Ontario.

I ask you, Premier: Will you end your waste of public money on those self-serving television ads and put the money into ending the national child benefit clawback?

**Hon. Mrs. Meilleur:** Again, I'm going to reiterate what we have done for our children: Since we took office, we have increased social assistance by 5%. That party voted against it, I want to remind everybody. What



we have also done is made certain that all increases to the national child care benefit stay in the hands of the people who need it the most.

**1450**

When we took office, we ended the clawback of national child benefit supplements going forward. This means that families with children in receipt of social assistance will have received an additional \$56 million in supplements from the federal child benefit supplement. And the McGuinty Liberals have already created 14,000 new affordable child care spots. Is there more to do? Yes, there is more to do. We are making progress, and we will continue to do more—

**The Speaker:** Thank you. Final supplementary.

**Mr. Hampton:** Premier, here is your record: You promised 20,000 units of new affordable housing; in fact, your government has provided less than 10% of that. You promised \$300 million of provincial money for child care, but you failed to deliver on that too. You promised to stop taking federal money away from the poorest kids in Ontario, and you failed in that. And today, one in four Ontario workers continues to fall below the poverty line.

Premier, I ask you again, when is the McGuinty government going to stop wasting millions of dollars of public money on your self-serving television ads promoting your government? When are you going to put some money towards ending the national child benefit supplement clawback, so the poorest kids in Ontario can get back the money that belongs to them?

**Hon. Mrs. Meilleur:** Again, I want to say to the leader of the third party that when we took office, we ended the clawback of the national child care benefit supplement going forward. We are investing more and more every year for the children. We have invested in the school breakfast program; we have invested in the energy bank, so if a family cannot afford the increase in the electricity rate, we are there to help. I want to remind the leader of the third party that when they were in power, one in five children in Ontario was on social assistance, so this is not a record that they want to talk about. It's not a record that we want to leave the province with, so we will continue to work with investments in child care, investments in education, investments—

**The Speaker:** Thank you.

## ONTARIO ECONOMY

**Mr. Tim Hudak (Erie-Lincoln):** I have a question to the Premier. The same week that RBC Financial released its report saying that Ontario is dead last on growth, Niagara and Hamilton were again hit with some bad news. Let me repeat that: Ontario is dead last in growth in this country. Ball Packaging in Burlington is set to close by the end of this year, eliminating 300 well-paying manufacturing jobs. That very same week, Maple Leaf Foods announced it's planning to sell its pork processing plant in Burlington, threatening 1,200 well-paying manufacturing jobs.

Premier, you say, "Don't worry, be happy." On this side of the House, we say that there's a real, pressing and

important issue for working families in the province of Ontario. Is it simply bad luck that Ontario is dead last in growth? And if not, what exactly are you going to do about it?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Economic Development and Trade.

**Hon. Sandra Pupatello (Minister of Economic Development and Trade, minister responsible for women's issues):** I want to say first off that this government is extremely concerned for anyone who is facing a job loss. We individually and collectively have watched many cycles in this province, and we know that Ontario always comes back stronger. So let me say this in particular for the manufacturing sector, that we as a government are extremely concerned about—I want to say that this puts far more emphasis on what we are collectively doing to get every opportunity to help Ontario residents, including calling Prime Minister Stephen Harper. Now, I realize that your leader is opposed to calling Stephen Harper to say, "Get us \$314 million," which will go a long way to helping the people in your very riding. I want to know where you are on this. Are you prepared to push your leader to make every call imaginable to help—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. Supplementary.

**Mr. Hudak:** You've got to wonder where the heck the minister has been. She dismisses it as a cycle, that we'll come back strong. Well, Minister, we've got a hell of a long way to go, because in Dalton McGuinty's Ontario we've hit rock bottom: dead last in economic growth.

Let me read you some of these jobs that you simply dismiss as part of a cycle: Ball Packaging in Burlington, 300 jobs; Ferranti-Packard in St. Catharines, 212 jobs; Bazaar and Novelty, St. Catharines; General Motors, St. Catharines; Redpath Sugar; Automation Tooling Systems—the list goes on and on. These are real, hard-working families in desperate times, and you say it's just a cycle.

Minister, stand in your place and tell us today, what is your plan? Will you finally admit that your high-energy, high-tax policy is chasing manufacturing jobs out of Ontario? Don't say it's a cycle; tell us what you're going to do about it.

**Hon. Ms. Pupatello:** I could wish that this individual would expend the same amount of passion in speaking to his own leader about the role he could play with his former colleague, former boss, with—

*Interjections.*

**The Speaker:** Order. I need to be able to hear the minister respond.

**Hon. Ms. Pupatello:** Here's what I want to say: This is a government that stands up for Ontario. This is a government that is determined to do everything we can in the face of significant changes in the manufacturing sector, and to that end, that is unprecedented investment in post-secondary education, in infrastructure projects. In



the next six years alone, \$500 million just to construction. This is the kind of investment that we are making in our province.

What I say to this individual now is, you save some of that passion for your federal colleagues, your former colleagues, and you tell them—

**The Speaker:** Thank you, Minister.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** Where's Jim Flaherty now?

**The Speaker:** Order. The Minister of Health will come to order.

*Interjections.*

**The Speaker:** Order, member for Nepean–Carleton. I won't warn the Minister of Health again.

### MINIMUM WAGE

**Ms. Cheri DiNovo (Parkdale–High Park):** Today, I introduced a private member's bill that would raise the minimum wage to \$10 an hour. Approximately 1.2 million workers in Ontario earn less than \$10 an hour. People working full time are still living below the poverty line.

Premier, a job should keep you out of poverty, not keep you in it. Your minimum wage is a poverty wage, not a living wage. Ontario's minimum wage is not fair, economically or ethically. It is not good for our families, workers, business or our province's future.

Premier, will you stand up today and increase the minimum wage to \$10 an hour for those millions of workers, most of whom are women, immigrants and single parents?

1500

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Labour.

**Hon. Steve Peters (Minister of Labour):** I want to thank the member for the question. I think the member, because she's new to this House, needs to have a little bit of a history lesson. Remember that for nine years—for nine years—there was no increase in minimum wage. We followed a party that had no compassion for people in Ontario. But also, you represent a party that had no ability to manage.

What we have here is a party with compassion and a party with an ability to manage. When we took office, we made a commitment to bring in a balanced approach to dealing with the issue of the minimum wage. We came forward with a balanced approach to phase in an increase in the minimum wage over a period of four years. On February 1, 2007, the minimum wage in Ontario will rise to \$8 an hour, an approach that is fair and balanced, an approach that was endorsed by the Toronto Star in an editorial in January 2006—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister. Supplementary.

**Ms. DiNovo:** Actually, the Toronto Star called for a raise in the minimum wage to \$10 an hour in their editorial very recently. But let's take the case of Maheswary,

her last name is Puvaneswaran, a mother of two. She's an example of McGuinty's poverty wage. This is a Tamil mother who works two low-wage cleaning jobs and earns just \$12,000 a year. She would need to work 92 hours a week, over 18 hours a day, to lift her family out of poverty on your minimum wage.

I point out that several G8 jurisdictions already have a higher minimum wage than \$10 an hour, and numerous studies have shown that jobs do not vanish. In fact, it helps the economy.

So I ask again, for the poor of this province, for the one in six children who live in poverty, for the 13,500 children who use food banks in the GTA: Will you raise the minimum wage to \$10 an hour?

**Hon. Mr. Peters:** The US minimum wage is US\$5.15 an hour. As well, again I remind the member, we went through a period from 1995 to 2003, nine years, with no increase in a minimum wage.

On this side, though, we recognize that yes, we need to show compassion, we need to be concerned about the most vulnerable in our society. That's why we've taken a number of steps, whether it has been minimum wage or dealing with better enforcement of Employment Standards Act regulations. But as well, we need to recognize that we need to keep the economy of this province moving. That's why we move forward with a balanced approach. We move forward with a four-year plan to increase the minimum wage, recognizing that we have to bear in mind what the impact will be on the business community in this province. But \$5.15 an hour in the US minimum wage, no increases in nine years—

**The Speaker:** Thank you. New question.

### STUDENTS' ASSEMBLY ON ELECTORAL REFORM ASSEMBLÉE DES ÉTUDIANTS SUR LA RÉFORME ÉLECTORALE

**Mr. David Zimmer (Willowdale):** My question is for the Minister of Democratic Renewal. Minister, I understand that recently you announced a Students' Assembly on Electoral Reform, which will run in conjunction with the Citizens' Assembly on Electoral Reform. This is a very important initiative. It will increase the interest of young Ontarians in our electoral system. Minister, could you tell us a little bit about how this students' assembly is going to work?

**Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal):** I'd like to thank the member from Willowdale for his question. Through the Citizens' Assembly on Electoral Reform, Ontarians have the opportunity to participate in a full and open debate on our electoral system. This was one of the reasons why it was important to extend the debate to the students of Ontario. Students are now being given the opportunity to participate in one of the most important and exciting democratic renewal initiatives in our province's history.



This is an opportunity to listen to the future generation of voters. The Students' Assembly on Electoral Reform is a parallel citizens' assembly process for Ontario high school students. One hundred and three students from across Ontario will be selected to participate in the assembly conference to be held in Deerpark Resort, Muskoka, from November 15 to 19.

Pendant cette rencontre, les participants apprendront le fonctionnement de notre système électoral ainsi que celui des systèmes utilisés dans d'autres pays. Ils vont s'y pencher et décider quel système représente mieux leurs idées et valeurs.

**Mr. Zimmer:** In your answer, Minister, you mentioned that all students will be able to learn and take part in the process. Specifically, how can the students in my riding of Willowdale get involved in this process if they're not chosen for the assembly? Can they still participate and voice their opinions? Finally, when the students do make a decision on their preferred electoral system, what will be done with that recommendation?

**Hon. Mrs. Bountrogianni:** I encourage every student in Ontario to go to the students' assembly website at [www.studentsassembly.ca](http://www.studentsassembly.ca). There are two ways for students to participate in this program: individually or through their classrooms. Individual students can apply online until October 19 for selection as one of 103 participants in the students' assembly conference. High schools can also apply to receive curriculum materials. These materials will enable classroom assemblies on electoral reform to be held between November 13 and December 14.

Once the classes have completed their work, students will vote online or through a students' assembly hotline for their preferred electoral system. Feedback from the students' assembly process and the province-wide classroom vote will be compiled in a report that will be submitted to the Citizens' Assembly on Electoral Reform in February 2007. Engaging—

**The Speaker (Hon. Michael A. Brown):** Thank you.

#### EDUCATION FUNDING

**Mr. Frank Klees (Oak Ridges):** To the Minister of Education, perhaps this quote will sound familiar to you: "If we cut \$90 million from the system, it's going to be a bad scene in Toronto schools. Public education in the city of Toronto as we've known it will be changed forever." You will probably recognize that that was Kathleen Wynne, trustee at the Toronto District School Board, who said that in 2002. I'm wondering what Kathleen Wynne, the Minister of Education, says now to the recommendation to cut \$84 million from the same school board. What do you say to that?

**Hon. Kathleen O. Wynne (Minister of Education):** What I say to that is there are more than \$260 million more in that school board than there were when I was a school trustee. And what I say to that is that there is a government working with that school board that believes in publicly funded education, in more teachers in the

schools, in smaller class sizes, and that believes that all of those things, all of those resources, have the effect—and they are demonstrably having the effect—of improving student achievement, of making the outcomes for students better, keeping students in school, making the graduation rates higher, because the money that goes into the system is targeted to those things that parents are most concerned about.

**Mr. Klees:** My, what a difference an appointment to the ministry makes. Here is what your predecessor, the former Minister of Education, said in this House: "This government is not about program cuts and we're not about to start now." That was your predecessor. Now you are all about cuts, because it's cuts to programs, cuts to facilities, cuts to staff, cuts totalling \$84 million that you now are presiding over as Minister of Education.

Ms. Wynne, what has happened in your transformation from trustee to Minister of Education? Have you lost faith in the education system?

**Hon. Kathleen Wynne:** I will not sink to the level of defending my record on publicly funded education and juxtaposing it with the record of the member opposite. There is nothing in my background, there is nothing I have ever done, there is nothing I have ever said or will say that will undermine my commitment to publicly funded education. That is why I am proud to be part of this government. If the member opposite read the report put out by Brian Cain and Joan Green, he would know that this report shows the way forward for a board that has challenges because of an amalgamation imposed on it by the previous government that it has not recovered from. This report shows the way forward, without harming the classroom.

1510

#### DISABILITY BENEFITS

**Mr. Michael Prue (Beaches–East York):** My question is to the Minister of Community and Social Services. Last week, I had a special diet client referred to me by a backbench Liberal MPP who can't get the special diet supplement for his constituent. The MPP asked me to try; I might have more success.

Your first job as minister was to cut, worthy of Mike Harris. You slashed the average special diet allowance by 30%, over \$50 a month, right out of the mouths of disabled people. The special diet is supposed to help people get proper, nutritious food. Why are you forcing them to use food banks, which are ill-equipped for special-needs diets?

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for francophone affairs):** I appreciate the question and the concern of the member of the third party.

Last year, we saw a dramatic increase in the number of people accessing the special diet allowance. This increase was a result of a certain advocacy group encouraging people to apply for a special diet allowance whether or not they had a specific medical condition that



required a special diet. The allowance has always been intended for people who require a special diet as a result of a medical condition. The member opposite knows that very well. Any misuse of our social assistance programs jeopardizes those programs for everyone. So the need for a special diet must be confirmed by an approved health professional, and we have worked with health care professionals to draw a list of medical conditions that need special diets.

**Mr. Prue:** Minister, you've forced people to go to the tribunal, where almost all of that is overturned. The fact remains that thousands of sick Ontarians have had a third of their food money taken away from them. That's the reality of your policy. You did nothing for a man by the name of Brian Woods, even though we asked in this House many times, and you were shamed into reinstating the special diet for George Goodwin. You'll remember him. He is the ALS patient who you told he could have no money and you gave him \$75 to buy a food blender as a final payment. Can we add what you're saying today to the McGuinty poverty hall of fame; that is, your government's idea of healthy eating is dented tuna mixed with a blender?

**Hon. Mrs. Meilleur:** I'm very sorry to see a member of this House use a particular individual as a political football in this House. I want to assure the member of the third party that when someone needs a special diet because of a medical condition, that person will receive the amount he or she needs for a special diet.

As an example, it was raised in the House at one point that someone with ALS was not receiving the special diet. This condition was reviewed by the expert committee and was added to the list. I wanted to say to this House that everyone who has a medical condition that requires a special diet will get it.

#### NORTHERN EDUCATION FUNDING

**Mr. Bill Mauro (Thunder Bay–Atikokan):** My question is to the Minister of Education. Education in the north is challenging for many reasons, but the McGuinty government knows there are unique areas across the province, including northern boards, that are unable to thrive on a one-size-fits-all approach.

I recently met with directors of northern boards of education—Northern Ontario Education Leaders, called NOEL—who represent boards from a large area of northern Ontario. The directors were complimentary towards our government for several initiatives, including primary class sizes, the hiring of new teachers and the turnaround teams that are up in the north helping to improve literacy and numeracy. They have, however, expressed concern over the funding levels for this year. Can you please respond to their concerns with respect to funding?

**Hon. Kathleen O. Wynne (Minister of Education):** Thank you very much to the member for Thunder Bay–Atikokan. He, like so many members of our caucus, is very concerned about publicly funded education. And I

am well aware of the concerns of northern directors; in fact, I'm going to be meeting with some of those northern education leaders shortly.

Ministry staff have been in constant communication with boards in the north to discuss their concerns, and let me just say some of the improvements that we have put into northern boards. We've funded northern students \$2,500 more per pupil; that's a 30% increase since we've been in office. Northern boards are receiving \$1.3 billion this year; that's an increase of \$334 per pupil over last year even though enrolment has declined by 2.5%. The reality is, we understand that the per pupil funding has to go up, even though declining enrolment takes place because of the lack of critical mass, small schools and large geographic distances.

**Mr. Mauro:** As you are aware, there was a report unveiled recently with several recommendations to help northern school boards, which are challenged by vast areas and declining enrolment. The group is called People for Education. This report is calling into question resources that are going into northern boards.

Minister, as you've mentioned, our government has made significant investments in education in our three years in government. Can you please clarify for people in my riding, and in fact for many other northern ridings, some of the issues raised in the report and what the northern boards can expect from our government in the coming months?

**Hon. Ms. Wynne:** One of the things that report says is that the average northern elementary school has 188 students, compared to an average enrolment of 356 in the rest of the province. One of the things we did was to change the funding formula so that schools with 50 students or fewer actually would generate a principal and a secretary. We created a school foundation grant that specifically would deal with those smaller schools. So that was something that was specifically targeted at one of the issues that northern boards deal with.

We've made further investments of \$92 million in transportation and top-up funding of \$44 million. But I think some of the program issues we've addressed are the most important. There's a special literacy and numeracy project, and the focus of this project is to improve aboriginal student success through three areas. We know that aboriginal students are some of the students in the province who are struggling the most, we know we have to target funds at those students, and that's some of the work we're doing. And I'm very proud of the success that we're seeing there.

#### TOBACCO ADVERTISING

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** My question is to the Premier. Recently, there's been much talk about your government's double standard with respect to the rule of law. With respect to tobacco advertising, is there such a double standard, as alleged, within our province of Ontario?



**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the minister responsible for aboriginal affairs.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I'm sure the member is alluding to the difference between Ontario law applying to everything within Ontario jurisdiction and the laws that apply to First Nation reserves, which are under the federal domain. I know our Minister of Health Promotion has been in contact with Ottawa about that. But I think the member understands that reserves are different from the rest of the province.

**Mr. Barrett:** I'll go back to the Premier. Your Minister of Health Promotion was quoted as saying, "No one is above the law," in this case referring to Sean Penn lighting up at the Toronto International Film Festival. For the last few years, driving along provincial Highway 6 between Hagersville and Caledonia, one sees tobacco advertising and billboards, many for brand names. Premier, why this double standard, something people can see from a provincial highway? Sean Penn is not above the law. The question is, is your government content with all the tobacco signs along provincial Highway 6?

1520

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** Mr. Speaker, I refer the question to the Minister of Transportation.

**Hon. Donna H. Cansfield (Minister of Transportation):** I thank the member for the question. The signs along our highways actually do cause driver distraction, and at times may pose a safety risk as well. Under the Public Transportation and Highway Improvement Act, it is illegal for parties other than the ministry to place signs on provincial highway rights of way. So the advertising signs on Highway 6 between Caledonia and Hagersville are currently being removed, in accordance with normal ministry policy.

#### SOCIAL ASSISTANCE

**Mr. Gilles Bisson (Timmins-James Bay):** My question is to the Minister of Community and Social Services. I want to bring to your attention a case in my riding that I think clearly demonstrates just how bad the policies of the OW office are when it comes to young people and poverty in general. A young woman in my riding, 14 years old, was sexually assaulted, raped, and as a result of that rape, gave birth to a young boy. She has now got her life back together and is trying to return to high school so that she can provide for her son in years to come, and not have to rely on assistance or her parents to be able to survive.

She appeared before the OW office and was refused even an application form, because she was under 18. She was told that because of the Liberal McGuinty government policies, somebody under 18 years old can be refused an application. Our office has since assisted her, but there are still more roadblocks in the way.

I want to ask you this question: You said earlier in this House that when parents succeed, children succeed. You tell me how that policy is going to help this young woman and her son to succeed.

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for franco-phone affairs):** I thank the member from the third party for this question. Yes, I understand your concern about the policy. This is a very sound policy. But when someone comes for social assistance and wants to have the benefits apply to their case, the people are there to explain to them what is the process and what is not the process. We know that for people under the age of 18, there are certain conditions attached to their receiving social assistance.

I cannot talk about individual cases, but I will say to you that if this person is not satisfied with the answer that she got, she can contest it; she can appeal it. So I would say to you—

**The Speaker (Hon. Michael A. Brown):** Thank you.

**Mr. Bisson:** How do you appeal when you can't even get the application? But we'll deal with that.

The condition is this: This young woman was raped and she's trying raise her son and get her life together. She'd constantly at our office because she's at wit's end. We've got an agreement for interim assistance. The OW office wouldn't pay even after we won an interim assistance award. Now, to make matters worse, your ministry people, because of your policy, are telling the OW people that she now has to go after support from the father, who raped her. You know what that means. This young woman is going to have to come in contact with the very person who raped her, and the OW office is saying, "This is a condition for you to receive assistance." Minister, that is unacceptable, and I say it again: What are you going to do to fix this problem so young women like this don't have to be in the situation that she is in?

**Hon. Mrs. Meilleur:** It's very disturbing, but I will say to you, we will discuss the case. I cannot discuss a case in this House. I'm not at liberty. The member of the opposite party knows about it, so I will say to you, let's talk after question period, and let's hope that we will be able to resolve such a case.

#### TRANSIT FUNDING

**Mr. Mario Sergio (York West):** My question is for the Minister of Transportation. Minister, as you know, congestion on Ontario's roads means less time spent with family and friends, and more time stuck in traffic. The McGuinty government has made good on its commitment to invest two cents of every litre of gasoline sold in Ontario in the municipal transit systems. I know that in my riding of York West we can certainly appreciate how congestion elongates the commute to and from work and schools. We, as other ridings do, have really come to value the contribution to public transit this government has made, through gas taxes but also through numerous other initiatives. Minister, my question is this: What can



the people of Ontario expect from the third year of the gas tax program?

**Hon. Donna H. Cansfield (Minister of Transportation):** I thank the member for his question. It is absolutely true that we need to deal with the congestion that's occurring on our roads. Movement of goods and services and people is as important to us as an integral, sustainable transportation plan, and that's what we've put forward with the gas tax. This year alone: \$313 million to 102 municipalities. That will make it a \$700-million initiative over three years. I'm pleased to say that it's working: 19 million car trips off the road.

**Mr. Sergio:** I'm very grateful for the answer from the minister, and I also appreciate the amount of work and effort that she has indeed put in delivering that funding to the various municipalities.

I also understand that the city of Toronto alone receives over 50% of the gas tax funding in Ontario. There has been a lot of discussion lately of the investment in Toronto's public transit system. Although the dollars given to municipalities this year are impressive, Minister, I would like to know, in addition to this important funding, what does Ontario's largest city receive? Specifically, what is the province of Ontario doing for the city of Toronto?

**Hon. Mrs. Cansfield:** The first thing I'd like to say is that we're making up for a good number of years of neglect in the public transit system. I always said there was neglect in the energy system, and there is incredible neglect within the transportation system. Some \$1.6 billion will go to the Toronto Transit Commission over the next five years. In fact, 50% of the gas tax goes to the Toronto Transit Commission as well.

We are working with the federal government, with the city of Toronto and with this government to acknowledge and deal with the challenges that face the city of Toronto. But there is no question that \$1.5 billion over five years is an extraordinary investment in the city of Toronto, dealing with their public transit issues. This government is committed to doing what that government didn't do.

## PETITIONS

### LANDFILL

**Mr. Norman W. Sterling (Lanark-Carleton):** "To the Legislative Assembly of Ontario:

"Whereas there is currently a proposal to more than double the size of the Carp landfill in west Ottawa; and

"Whereas this site has been in operation for some 30 years and had been expected to close in 2010; and

"Whereas the surrounding community has grown rapidly for the past 10 years and is continuing to grow; and

"Whereas other options to an expanded landfill have yet to be considered; and

"Whereas the municipal councillors representing this area, Eli El-Chantiry ... and Peggy Feltmate, and the MPP, Norm Sterling, all oppose this expansion;

"We, the undersigned, support our local representatives and petition the Legislative Assembly of Ontario to ensure the Minister of the Environment does not approve the expansion of the Carp" dump "and instead finds other waste management alternatives."

### IMMIGRANTS' SKILLS

**Mr. Jeff Leal (Peterborough):** I have a petition to the Ontario Legislative Assembly.

"Access to Trades and Professions in Ontario

"To the Legislative Assembly of Ontario:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

1530

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

I agree with this petition, and will affix my signature to it.

### SCHOOL FACILITIES

**Mr. Jim Wilson (Simcoe-Grey):** "To the Legislative Assembly of Ontario:

"Whereas the parents of St. Paul's elementary school in Alliston have raised many issues regarding the security, cleanliness and state of repair of their school; and

"Whereas a 2003 condition assessment completed by the Ontario government identified the need for \$1.8 million in repairs to St. Paul's elementary school; and



"Whereas the Simcoe Muskoka Catholic District School Board has approached the Ministry of Education with the intention of having the school deemed prohibitive to repair as they believe the school requires \$2.28 million in repairs, or 84% of the school replacement cost; and

"Whereas there are ongoing concerns with air quality, heating and ventilation, electrical, plumbing, lack of air conditioning and the overall structure of the building, including cracks from floor to ceiling, to name a few;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Education immediately deem St. Paul's elementary school prohibitive to repair, secure immediate funding and begin construction of a new facility so that the children of St. Paul's can be educated in a facility that is secure and offers them the respect and dignity that they deserve."

I have signed this petition.

#### LANDFILL

**Mr. Phil McNeely (Ottawa–Orléans):** This petition is to the Legislative Assembly of Ontario. I have 67 petitions here:

"Subject: Proposed expansion of the Navan Road landfill site in NDC," Notre Dame des Champs....

"I petition the Legislative Assembly to direct the Ministry of the Environment to defer finalizing the terms of reference for the Carp and Navan Road landfill expansions until the expedited review of the revised and comprehensive waste management master plan is completed and available to all the concerned parties."

I will put my signature on it as well.

#### PROPERTY RIGHTS

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** Protection of property rights:

"To the Legislative Assembly of Ontario:

"Whereas the Canadian Charter of Rights and Freedoms is silent on property rights; and

"Whereas the Alberta Bill of Rights specifically protects the right to the enjoyment of property; and

"Whereas the Quebec Charter of Human Rights and Freedoms provides that 'Every person has a right to the peaceful enjoyment and free disposition of his property, except to the extent provided by law'; and

"Whereas ownership rights should not be abridged or usurped without due process of law; and

"Whereas owners of all lands affected by expropriation should have the right to be included as parties to a required inquiry to consider the merits of the objectives of the expropriating authority; and

"Whereas the decision of an expropriating authority should be subject to a judicial review; and

"Whereas, subject to specific limitations of law, the right to peaceful enjoyment of one's land must be recognized by Ontario law;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To pass Bill 57, the Land Rights and Responsibilities Act, 2006."

I support this petition and affix my name to it.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Khalil Ramal (London–Fanshawe):** "To the Legislative Assembly of Ontario:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

I agree with this petition. I affix my name to it and will send it with Stephen.

#### HIGHWAY 35

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** Petition:

"Highway 35 Four-Laning

"To the Legislative Assembly of Ontario:

"Whereas modern highways are economic lifelines to communities across Ontario and crucial to the growth of Ontario's economy; and

"Whereas the Ministry of Transportation has been planning the expansion of Highway 35, and that expansion has been put on hold by the McGuinty government; and

"Whereas Highway 35 provides an important economic link in the overall transportation system—carrying commuter, commercial and high tourist volumes to and from the Kawartha Lakes area and Haliburton; and

"Whereas the final round of public consultation has just been rescheduled;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Liberal government move swiftly to complete the four-laning of Highway 35 after the completion of the final public consultation."

I affix my signature to it and give it to page Patrick.

## HEALTH CARE LEGISLATION

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I have a petition addressed to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas the McGuinty government and the Ontario Medical Association plan to work together to ensure reliable coverage for emergency departments across the province, ensuring stable coverage to meet the needs of Ontario patients;

"Whereas with the Long-Term Care Homes Act, the McGuinty government is pursuing new legislation that, if passed, will enhance the quality of life for residents of long-term-care homes by improving care;

"Whereas the McGuinty government has moved to regulate Chinese medicine in Ontario, protecting Ontarians who choose alternative health care and ensuring that traditional Chinese medicine is delivered by practitioners with a high level of competence;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To the support the McGuinty government's plans already in effect and to pass the above-mentioned suggested legislation as soon as possible so that health care can be improved for all Ontarians."

I agree with this, affix my signature to it and give to page Adam.

## DRUG LEGISLATION

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** I have a petition to the Legislative Assembly of Ontario which reads as follows:

"Whereas the McGuinty government's Bill 102 introduces a significant degree of uncertainty for pharmacists and patients across Ontario; and

"Whereas the McGuinty government's Bill 102 could result in reduced services to patients resulting from fewer hours of pharmacy operations, fewer pharmacies stocking expensive drugs, unfair capping of claim maximums, elimination of rebates and the permanent closing of some pharmacies; and

"Whereas the changes to the dispensing fees do not accurately reflect the true costs of safely dispensing drugs; and

"Whereas there is no protection afforded by Bill 102 to prevent future increases in drug prices where pharmacies are limited to the acquisition cost;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the McGuinty government withdraw or amend Bill 102 to ensure fairness to patients and pharmacies."

I support the petition and affix my signature.

## IDENTITY THEFT

**Mr. Tony Ruprecht (Davenport):** I keep getting petitions from the Consumer Federation Canada in regard to identity theft. This reads as follows:

"To the Parliament of Ontario and the Minister of Government Services:

"Whereas identity theft is the fastest-growing crime in North America;

"Whereas confidential and private information is being stolen on a regular basis, affecting literally thousands of people;

"Whereas the cost of this crime exceeds billions of dollars;

"Whereas countless hours are wasted to restore one's good credit rating ;

"We, the undersigned, demand that Bill 38, which passed the second reading unanimously in the Ontario Legislature on December 8, 2005, be brought before committee and that the following issues be included for consideration and debate:

"(1) All consumer reports should be provided in a truncated (masked-out) form, protecting our vital private information such as SIN and credit card numbers.

"(2) Should a credit bureau discover that there has been a breach of consumer information, the agency should immediately inform the victimized consumer.

"(3) Credit bureaus should only report inquiries resulting out of actual applications for credit and for no other reasons.

"(4) Credit bureaus should investigate any complaints within 30 days and correct or automatically delete any information found unconfirmed or inaccurate."

Since I agree with this petition 100%, I'm delighted to affix my signature to it.

1540

## MACULAR DEGENERATION

**Mr. Garfield Dunlop (Simcoe North):** "To the Legislative Assembly of Ontario:

"Whereas age-related macular degeneration (AMD) is the leading cause of blindness in the elderly and is present in some form in 25% to 33% of seniors over the age of 75. AMD has two forms: the more common 'dry' type and the 'wet' type. Although the wet type occurs in only 15% of AMD patients, these patients account for 90% of the legal blindness that occurs with AMD. The wet type is further subdivided into classic and occult subtypes, based on the appearance of the AMD on special testing. Photodynamic therapy, a treatment where abnormal blood vessels are closed with a laser-activated chemical, has been shown to slow the progression of vision loss in both subtypes of wet AMD;

"Whereas OHIP has not extended coverage for photodynamic therapy to the occult subtype of wet AMD, despite there being substantial clinical evidence demonstrating the effectiveness of this treatment in patients with either form of wet AMD. Untreated, these patients can expect a progression in their visual loss, with central blindness as the end result;

"Whereas affected patients are in a position where a proven treatment is available to help preserve their vision, but this treatment can only be accessed at their



own personal expense. Treatment costs are between \$12,500 and \$18,000 over an 18-month period. Many patients resign themselves to a continued worsening of their vision, as for them the treatment is financially unattainable. The resultant blindness in these patients manifests itself as costs to society in other forms, such as an increased need for home care, missed time from work for family members providing care, and an increased rate of injuries such as hip fractures that can be directly attributable to their poor vision.

"We, the undersigned, petition the Legislative Assembly of Ontario to fund the treatment of the occult subtype of macular degeneration with photodynamic therapy for all patients awaiting this service."

I'll be happy sign to sign my name to that and give it to Julia.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Bas Balkissoon (Scarborough–Rouge River):** I have a petition to the Legislative Assembly of Ontario.

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

I support this petition, and I'll be signing it.

#### ORDERS OF THE DAY

##### LONG-TERM CARE HOMES ACT, 2006

##### LOI DE 2006 SUR LES FOYERS DE SOINS DE LONGUE DURÉE

Mr. Smitherman moved second reading of the following bill:

Bill 140, An Act respecting long-term care homes /  
Projet de loi 140, Loi concernant les foyers de soins de  
longue durée.

**The Acting Speaker (Mr. Ted Arnott):** I assume the minister wants to lead off the debate. I recognize the Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** Thank you very much, Mr. Speaker. I'm pleased to say at the outset that I'll be sharing my time with the member from Nipissing. But, with respect, the more appropriate way to say it is that I share my thanks with the member from Nipissing. It was, after all, when we arrived as a government, a circumstance that was of tremendous concern to us. We witnessed on a seemingly daily basis a horrendous display of circumstances where our loved ones in long-term care in our province were not, quite frankly, being provided with the quality of care that our province ought to be in a position to deliver. That was a call to action for us, and I'm very proud of the agenda that we have advanced in the three years since.

Our long-term-care system is large, and our long-term-care system is, of course, very essential. Every member here, and likely every family member in our province, is touched by the circumstances related to the provision of care for 75,000 of our most vulnerable citizens. The obligation is upon us to well protect them and to ensure that the care they receive allows them to live out their days—for many of them their final days—in dignity. I'm one who stands before you and before the people of the province of Ontario indicating that on the file we might call long-term care, we're very proud of the steps we've taken and the improvements that have been made. This piece of legislation is one more piece in that overall comprehensive approach. We're the first to acknowledge, as well, that as is the case with virtually all elements of health care, there are very obvious needs and very obvious ways to move forward in terms of enhancing the quality of care our loved ones deserve.

We said at the outset that we were calling for a revolution in long-term care, which speaks to the necessity of shifting, of altering the culture that is there in long-term care. One of the ways we sought to convey this was to move away from the word "facility" and more towards the word "home," not simply as some kind of a branding exercise, but rather to have language which unlocks a better understanding for all of us of what the circumstances in that home ought to be. A homelike environment, of course, conjures up a very different view than does the use of the word "facility." I'm prepared, and I have this conversation regularly with my mother, for a circumstance where at some point she might need to find care, to find a home, in a long-term-care home. It is not too appealing in that conversation I might have with my mother that we use a word like "facility." It conjures up a cold, sterile institutional view.

We recognize that all across long-term care, those 75,000 vulnerable folks I spoke of are receiving care today, but way more importantly, they're receiving a beautiful contribution of love alongside that care. I speak very often of the dedicated women and men who staff the front lines of health care; I usually talk about them as about 250,000 strong. I want to pay appropriate respect to the folks who provide that love and care on the front lines of health care. All of us have seen circumstances in this



place where we talk about those challenges in health care which we have yet to meet, but we can never lose sight of how much care we're providing in a good quality way, and how grateful we are for the work that happens on the front line.

The fundamental principle of this bill is that we're talking about residents' homes. We want to bring back resident-centred care, starting with the arrival of a resident in a long-term-care home. We want to make sure there's been a very adequate assessment done of the underlying circumstances that bring that individual to that long-term-care home. We want to ensure, and this legislation does it, that the principle of having a registered nurse on site—24 hours a day, seven days a week, 365 days a year—is fundamental, and you see that embedded here as a principle in this legislation.

We want to enhance, clarify and make very clear the rules that govern the use of restraints. A former member of this place who currently serves with distinction as the president of the United Way of Toronto, Ms. Frances Lankin, brought to this Legislature and to people more generally a very high degree of awareness about the challenges of appropriately dealing with residents in our long-term-care homes and about the circumstances occurring too frequently where they were being restrained in one fashion or another. We've sought in this legislation to create a very appropriate protocol that acknowledges, in some limited circumstances, that restraints may be an appropriate response, but that they cannot be utilized without considering an appropriate protocol that protects the rights of our patients, that in the circumstance where a patient or a client is not able to communicate on their own behalf, there is an obligation that an independent third person be involved in such a conversation. I use this as one example of where the detail in the legislation itself is a very direct build-out from the words spoken to my colleague Monique Smith as she travelled so extensively around Ontario in preparation for her report, which has served so much as the foundation for this piece of legislation.

It is the package of protections associated with the policy of zero tolerance for abuse and neglect, combined with a 1-800 action line, which has proven itself very effective over the last two years since we established it, to be responsive—when I use the word “responsive,” I mean quickly—to circumstances where anyone makes a complaint or an allegation with respect to neglectful circumstances in long-term care. We have created the capacity—we've had, I think, about 10,000 calls to date—where we can take action very quickly, determine if there are risks for clients or for patients, and make the response that is appropriate for a jurisdiction like ours. Lest there be any doubt of the sheer necessity that everyone—workers, volunteers, administrators, family members and other residents; indeed, anyone who finds themselves in a long term care home. We need to turn all of those individuals on to the role of being sentinels.

1550

We will hear a lot in this debate about other models, about the nature of care. But we believe it's appropriate,

and this legislation creates a very strong framework for this, that the onus is placed on all of us, any of us who venture into long-term care. That's why we're so proud that long-promised and long-discussed whistle-blower protection is an element of this bill, that it makes clear that the onus is there, that we're all in it together with respect to protecting against abuse and neglect, and that in those circumstances where people feel in their hearts that abuse or neglect is present, they're obligated to make us aware of it and they are protected against any reprisal that might come subsequently.

This is a powerful package on behalf of the patients and clients in our long-term-care homes. We want to work to enhance the training, recognizing that the role of being a caregiver for people in long-term care is such a precious role. It's one that cannot be taken lightly. The need is great. The people who are being dealt with in so many cases are quite significantly compromised, and, accordingly, we think it's important to have staff who are very well trained. That is an element that is here in the bill.

We think it's important that family members and others have the opportunity to get some assistance in circumstances where the long-term-care system may not have worked well for their loved one. That's why the capacity is there in the legislation to create the Office of the Long-Term Care Homes Resident and Family Adviser.

Mr. Speaker, I have the privilege of ceding the balance of my time to the member from Nipissing. I do so with a very strong degree of confidence in the work that we've been able to bring forward. The reality is that this—

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** We want more, George.

**Hon. Mr. Smitherman:** Well, the occasional member from Barrie-Simcoe-Bradford is moaning, about what I'm not quite sure.

The circumstances are clear: As a Minister of Health, I've had the privilege of working alongside and depending upon parliamentary assistants. On the issue of long-term care, Monique Smith has brought her heart and her soul to this work on behalf of clients in the province of Ontario. In the presence of other members of the Legislature, I want to thank her for the work that she's done.

I want to tell all members, as this debate goes forward, as we have the opportunity to take this bill to committee—which, of course, we will do, as we've done with every other significant piece of legislation that our government has brought forward—that we're excited about the debate; with the knowledge that there is, of course, more opportunity to enhance the quality of care in long-term care but at the same time mindful that our investments to date, totalling about three quarters of a billion dollars, have produced more than 3,000 additional employees working inside long-term care, on the front line, in support of a group of people who we would all agree deserve that support being offered and the very, very significant quantity of love that goes alongside the care. For all those that provide it, we thank them, and I thank you for the opportunity to participate in this debate.



**Ms. Monique M. Smith (Nipissing):** It is indeed my privilege today to speak to Bill 140, our Long-Term Care Homes Act, 2006. As the minister mentioned, it has been long in the works, a topic of much discussion, a topic of much consultation. It's my privilege today to speak about the bill and about some of the essences and important issues that we are dealing with in this bill.

Our act is the cornerstone of the government strategy to improve and strengthen care in our long-term-care homes. As you know, and as I think the minister mentioned, we have 618 homes across the province, with some 75,000 people living in them. The average age in our homes is 83, and over 60% of our residents suffer from some form of Alzheimer's or dementia or mental disorder. So we have a very fragile population, one that needs a great deal of care and needs to live with respect and dignity.

One of the things we've done since we came into power was to ensure that we introduced a number of initiatives that have strengthened the role of our front-line workers in our homes and have improved the quality of life, I believe, for our residents across the province.

In 2003, just after we came into office, I was asked to do a review of long-term care. Many in this chamber have heard about my report, *Commitment to Care*, about the future of long-term care in the province. That report, which I drafted over the winter months of 2004, involved visiting over 25 homes across the province. We visited homes unannounced and unaccompanied. We visited large homes, small homes, multicultural homes, charitable, not-for-profit, municipal, rural and urban homes and we saw a variety of methods of care and levels of care. Most of our homes are very well run and our front-line workers are doing the best job that they possibly can. I salute every one of the front-line workers out there who is giving their all to our seniors across the province.

Part of my review included an eight-hour shift in one of the long-term-care homes in my riding. I was privileged to follow one of my RNAs. It was an eye-opening experience and it was a great experience to see first hand the care that they are giving to our seniors across the province.

Since my review, we've implemented a number of changes, including the 1-800 number where family, residents and concerned friends can lodge any complaints or concerns or ask any questions that they have about long-term care.

We now have unannounced inspections, which I think are incredibly important in our compliance and enforcement of long-term care. The unannounced inspections will be entrenched in Bill 140 and will form a basis of inspection of all of our homes across the province. These are annual.

The inspection reports are now posted on a website which is the first of its kind in Canada. It provides people across the province with information about every single one of our 618 homes in the province. There's a basic outline of what type of home it is, the number of beds and some basic information. The most recent inspection reports are posted there as well, providing family and

friends with a great deal of information as they either choose a home for their family member—for their loved one—or as they want to check up on a home where their loved one is.

We have also, as the minister discussed, invested a great deal of funding into long-term care, hiring over 3,100 new staff, including over 680 new nursing positions. We've instituted our regulation for 24/7 RN coverage in our homes, a minimum of two baths per week for each of our residents, and we are ensuring that our meal plans are reviewed and approved by a dietician.

We've done a great deal. Le gouvernement McGuinty améliore la qualité de vie des résidents de foyers de soins de longue durée en présentant un nouveau projet de loi qui, s'il est adopté, renforcerait les mesures d'application de la loi et améliorerait les soins et la reddition de comptes.

Mon rapport « Engagement en matière de soins » a servi de fondement à la refonte législative dans ce domaine. À l'automne 2004, le gouvernement a publié un document de discussion intitulé *Futures orientations pour la législation régissant les foyers de soins de longue durée*. Cette publication a été largement diffusée partout en Ontario auprès des personnes intéressées.

Je suis très contente de vous rapporter que plus de 500 particuliers et organismes nous ont fait part de leurs observations et commentaires sur cette question, que ce soit par écrit ou lors des rencontres publiques tenues à divers endroits dans la province.

La loi proposée aujourd'hui s'inspire de mon rapport et de mes discussions dans mon rapport de 2004, en plus des 700 qui ont pris le temps de partager avec nous leurs vues et leurs « concerns ».

As I said, in 2004, we issued a discussion paper and we were thrilled to receive over 700 submissions to that discussion paper. We also held community meetings in about eight communities across the province for more input. After we received all of that input from stakeholders, front-line workers, family members, residents, concerned citizens and citizens' groups representing our seniors, we set down to drafting.

What we've done today is present legislation which incorporates three pieces of existing legislation. What we heard in my review in 2004 was that people wanted to see one piece of legislation governing all of our long-term-care homes across the province. To that end, Bill 140 will do that.

Let me now turn to what's in Bill 140. First off, I think it's terribly important for the members of this House to note that the fundamental principle, which is section 1 of the legislation, outlines our fundamental principle for how we want this piece of legislation to be interpreted. I'll read it:

“The fundamental principle to be applied in the interpretation of this act and anything required or permitted under this act is that a long-term care home is the home of its residents and is to be operated so that it is a place where they may live with dignity and in security, safety and comfort.”



1600

Again, as the minister spoke to this issue, we very much feel that these homes are in fact homes, and we want to emphasize that. We want our 75,000 seniors who live there to feel like this is their home and that they will be cared for with dignity and with respect. We want to ensure that we have properly trained staff in these homes. To that end, over the last three years we've spent over \$2.4 million—actually, in the last year—for dementia care training for front-line staff through U-First and PIECES training in conjunction with the Alzheimer Society. As well, we've ensured that our staff have the proper equipment with which to support our residents, and we've invested over \$19 million in new lifts in our homes across the province.

After the fundamental principle, you will note that we have an enhanced bill of rights—section 3 in the act. This bill of rights has been in existence for some time and is posted in all our long-term-care homes; however, it has, to that end, only been posted. Now, through this legislation, we will see that it is actually entrenched in legislation and can be enforced through the legislation. We are also, through the bill of rights, ensuring that our loved ones are protected.

I will not go through the entire bill of rights, because it would take some time, but I just want to emphasize how we've enhanced some of them in response to some of the concerns we have heard from residents and their family members. In particular, we used to have a right in the bill of rights that indicated a resident who was dying could have the right to have a family member present 24 hours a day in the home. We've enhanced that provision, so now every resident who is dying or who is very ill has the right to have family and friends present 24 hours a day. This was in response to many people who felt that it should be broadened, because in those final days, at that final time for a resident, it was important that they have those people whom they wanted there and felt most comfortable with.

Through this legislation, through section 6 and through the following sections, we are really focusing on an integrated plan of care for every resident. We believe that all of our residents' care plans should be resident-focused, and we are requiring that every home operator ensure that every resident have an integrated plan of care. That plan of care must cover all aspects of that resident's care and must be based on a collaboration of all staff. The plan will be based on the pre-assessments that are made prior to a resident's admission, as well as the assessments that are made upon the admission. We've heard, loud and clear, the recommendations that were made in the Casa Verde inquest and the need for more elaborate and more all-encompassing assessments before a resident is placed. We have incorporated requirements now that there be behavioural assessments made of our residents prior to their placement and that those behavioural assessments be not just for the short term prior to placement but be for a 12-month period prior to placement so that we can actually get a real sense of where

these residents have been, what their behaviours are and what their care needs are, so that we can appropriately provide them with the care they need in the home.

Through section 7, we entrench the care and personal services that are required in the home, many of which are already required to be provided by the homes, but now they're entrenched in the legislation. We also mandate through section 15 that homes are required to have a volunteer program. I would like to just stop and discuss this for a moment. As I reviewed and visited a number of homes over the last three years—25 in my first few months and another 10 dozen since then—what I found is what a valuable role our volunteers and family members play in long-term care. It's so important that our residents in long-term care still feel like they are a part of their communities and still feel engaged, and our volunteer programs are doing just that. Just over this last weekend, I had the opportunity to visit Cassellholme in my riding, where the volunteers were holding their fall bazaar and craft sale. I had a chance to talk to some of my volunteers. I told them I would say hi to them today. So hi to the gang at Cassellholme, and thank you for all the good work you are doing. They certainly add such a quality of life to our residents at Cassellholme. I know that all of the long-term-care homes in my area have great volunteer programs. I know that Eastholme has a wonderful program, and I'll be meeting with their family council in the not-too-distant future. I was over at Leisureworld on Saturday as well, where they were throwing Oktoberfest and where the activities coordinators were doing such a great job at improving the quality of life of our residents.

We visited a number of homes where we saw some really novel and interesting programs that were being offered for our residents, where we saw an Early Years program integrated into the long-term care so that children in the Early Years program that was just across the street were brought over one morning a week to interact and have some time with our seniors. The seniors absolutely loved that time, and the children loved all the attention they got. It was a great win-win situation for both programs and for all the people involved.

What we've done over the last three years is assist the activities professionals of Ontario to develop a best practices program and manual, so that homes across the province can get ideas from other homes and learn from other homes about these great programs that can be offered for our seniors in all of our homes.

Over the next few days and weeks, we'll hear a lot about minimum standards. Some people feel that we need to legislate minimum levels of care or staffing levels in homes.

We believe in a standard of care that's appropriate for each and every individual. We believe that every individual's needs have to be assessed and that we have to be responsive. We believe that a legislated care level would not be responsive to a resident's changing needs. We believe that front-line workers should be empowered to make those decisions and determine what care is



needed for every single one of our residents across the province.

We also believe in ensuring that there's a holistic approach to our residents' care, so that we're not just looking at nursing care but we are looking at other types of care they receive while they are in the home. Be it physio, the assistance of a social worker or a chaplain or their involvement in activities, all of those things form the daily lives of our residents and they are important and need to be included and considered when we are looking at the quality of care of the residents in our homes.

We are also looking at ways to prevent abuse and neglect in our homes. As many in this chamber have heard, and as many residents across the province heard, about three years ago there was much said about some very serious incidents of abuse and neglect in our homes. What we've done to rectify that over the last three years is to ensure that our compliance officers are responding quickly, that we have the 1-800 number, that we really promote zero tolerance of abuse and neglect.

Through this legislation we are building on what we have already done and we're ensuring that we have a really strong approach to any sign of abuse and neglect in the home. To that end, we have a detailed complaints procedure outlined in the legislation. We have put a positive duty to report on staff and people in the home, so that if they see that there is an incident or they suspect an incident of abuse or neglect, they report it. Under section 22.5 it's an offence if they don't report it.

As the quid pro quo, we've also implemented what was asked for in all of my consultations with our worker organizations, which was whistle-blower protection. They all spoke of the need for whistle-blower protection to ensure that staff and residents and volunteers who report abuse and neglect are protected. They asked for it and it's in the legislation under section 24:

"No person shall retaliate against another person, whether by action or omission, or threaten to do so because,

"(a) anything has been disclosed to an inspector;

"(b) anything has been disclosed to the director including, without limiting ..."—a number of initiatives.

So we are addressing the needs and concerns of some of our front-line workers and empowering them to report if they have any concerns in the home.

Another issue that was raised by a variety of groups, including our family members' groups and Concerned Friends, as well as the Advocacy Centre for the Elderly, is the use of restraints in our homes. What we did find when we were out visiting our homes was that in a number of cases there was a use of different kinds of equipment for restraints. Not all people understand that using a tray or putting someone behind a tray in a chair is actually a form of restraint.

What we've done in this legislation is clarified what we consider to be restraints, and we are minimizing the use of restraints by restricting when they can be implemented or used and under what circumstances. If they are in fact used, then we have limited the length of

time they can be used. We have also put a number of circumstances around how a resident can be protected when restraints are in use.

This was another section that was asked for by a number of stakeholder groups and concerned families. As well, Minister Francis Lankin in a previous life in this Legislature spoke passionately about the need for controls around these restraints. We hope that this legislation goes a great deal of the way to address certainly Ms. Lankin's concerns and a number of the concerns raised by our various stakeholders and front-line workers.

The admission process that we've implemented goes some way to addressing some concerns that were raised in some of the inquest reports. We are dealing with a much broader assessment and we are really trying to provide family members and friends with the information that they need in order to place their loved one in an appropriate home.

#### 1610

We've also provided ourselves with the ability to create the office of the long-term-care homes resident and family adviser. This person will be able to provide information and assist residents and their families, and also advise the minister on matters regarding long-term care.

Another important aspect to our long-term-care homes, which we have really tried, over the last three years, to reinforce and to assist, is the presence of our residents' councils and family councils. I can't say enough about the importance of residents councils and family councils in our homes. They really do make them homes. They are such an added bonus to any home. They allow the residents to have a voice and to discuss any concerns that they have amongst themselves and with staff from the home. They allow family members to do the same and also to provide the residents with more support. I know that there's a family council in Guelph that built a garden for the residents at appropriate levels and heights so that the residents in wheelchairs could participate as well. We've seen some great projects and initiatives taken on by family councils and residents' councils across the province. They also provide eyes and ears in the homes; they're also another group of people who are in the homes and who are addressing some of the concerns that are raised around our residents.

The operation of the home is discussed at some length. We've tried to limit the use of casual and agency staff in order to ensure that we have continuity of care for our residents. As many know, we're also going to be introducing some more requirements around training, identifying abuse or neglect, behavioural management training, minimum use of restraints training and palliative care. These are types of training that our staff need to deal with the day-to-day realities in long-term care. We believe that our staff need to have that training. We need to ensure that our residents are being looked after by people who have the appropriate training.

We are making sure that our residents and their family members receive all of the information they need in order



to feel comfortable when they come into the home, and we're also ensuring that it's posted in the home so that they know what their rights are, what their obligations are and what is available to them as part of their life in a long-term-care home. Included in a package of resident information that they are provided with upon their administration is the bill of rights, the mission statement for a home—each home has to develop its own mission statement—the home's policy for zero tolerance for abuse and neglect, an explanation of the duty to report abuse and neglect, the home's complaint procedure, the policy of least restraints for the home, a listing of what is included in the cost of the home, and information about residents' councils and family councils. We're hoping that, through providing that information, family members will feel more engaged and feel more involved in their residents' lives and will take part in the family council and the residents' lives on a day-to-day basis. We're also ensuring that a satisfaction survey is taken for our residents every year to see in which ways we can improve the quality of life of our residents.

Our legislation also includes provisions around licensing. We're ensuring that no long-term-care home in the province will have a licence of longer than 25 years. The range is from about 10 years to 25, and we'll be looking at different homes, as their licences come due, three years out, and reviewing what is needed in order to continue that home's operation in that community. We're ensuring that all of our residents across the province receive the type of care that they deserve. We'll be ensuring that our municipal homes continue the great work that they're doing through the approvals process, as they have in the past.

With respect to compliance and enforcement, we're ensuring that our homes are being managed appropriately and that we are dealing with any concerns that arise in a timely manner. We have created a new pyramid for compliance so that people are aware of what is expected of them and what action will be taken if they don't meet the standards that they are required to meet. There is an increased level of enforcement as people do not meet those requirements, and we will be able to ensure that we are dealing with problems as they arise and that all of our residents across the province are receiving the care that they deserve. Through tougher penalties, we will be ensuring that action is taken quickly and promptly and that we deal with those issues quickly.

Long-term-care legislative reform has been a long time coming. I spoke to an architect on the weekend who has worked on many long-term-care homes, and he told me that they've been talking about this in the sector for 20 years. I'm sure some of our front-line workers who are with us today could attest to that. It has been a long time coming.

I'm proud of the transformation in long-term care that we've undertaken in the province and of the progress we've made over the last three years. Certainly, next to my work for my riding, the work I've done in long-term care has been all-encompassing and all-consuming. I've

spent a great deal of time visiting homes, speaking to front-line workers, speaking to stakeholders and really working toward improving the quality of life of our residents. I know that's what our front-line workers have at heart, and that's what I have in my heart. That's why we work together to improve the quality of life for all our residents across the province, and to ensure they live with dignity and respect in homes across the province.

It's my privilege to close my opening statement on our new legislation. I look forward to hearing from my colleagues.

**The Acting Speaker:** Questions and comments?

**Mr. Norm Miller (Parry Sound–Muskoka):** I'm pleased to comment on the minister's speech and the speech of the member from Nipissing on Bill 140, An Act respecting long-term care homes. This bill is more talk than substance. I would like to look at what the past PC government did in the long-term-care area. They brought some real, concrete action. This government is talking about terminology: "home" versus "facility." Certainly we all want to create long-term-care homes, versus facilities, and that's exactly what the past government did.

I see living proof in the homes that provide care in Parry Sound–Muskoka, and also Eastholme, which provides care in Powassan for Nipissing and Parry Sound–Muskoka. The homes were completely rebuilt and are warm and inviting. Belvedere Heights in Parry Sound, the Pines in Bracebridge and Muskoka Landing in Huntsville are all homes that were rebuilt, part of the 20,000 new beds and 16,000 rebuilt beds that were done under the past government.

I would like to remind the government of what their commitment was in the last election: You were going to increase funding by \$6,000 per resident. I would like to remind you about that promise and ask what has happened to that, and note that there is no capital plan in this bill you put forward. That means there are some 35,000 residents who will still be living in what you could call facilities—not homes—in wards where there are three or four people in a room. I note that in Huntsville we have Fairvern, which is in need of upgrading. That's something you should be paying some attention to. I know the tireless worker, the member from Barrie–Simcoe–Bradford, will want to add comments in our second chance to add comments to these speeches.

**Ms. Shelley Martel (Nickel Belt):** In response to the comments that were made by the member from Nipissing, let me say a couple of things. First of all, not only is the bill of rights now posted in long-term-care homes; it is in fact enshrined in legislation and has been since 1993. If you look at the residents' bill of rights in the current Nursing Homes Act, subsection 2(1); the Homes for the Aged and Rest Homes Act, subsection 1.1(2); and the Charitable Institutions Act, subsection 3.1(2), they are the pieces of legislation from 1993 that enshrine all of those rights.

Also, with specific reference to the example the member used to say that a patient who is near death could have their family members with them 24 hours a day, I



would point out that in all three acts—I will just read this from the Nursing Homes Act, paragraph 2(2)10: “Every resident whose death is likely to be imminent has the right to have members of the resident’s family present 24 hours per day.” That right is already included in the current three pieces of legislation that govern this sector. So it’s nothing new to have a bill of rights. There are some specific changes with this one, but frankly the changes aren’t major and reflect much of what appears in the legislation and has been in place since 1993. It’s also true that residents’ councils have been allowed to be established since 1993 in all of those three acts, so that’s not a change.

I do want to say that I will be speaking at length about the Liberal election promise to reinstate minimum standards of care and minimum standards of hands-on care, so I won’t get into that right now. But I will point out that in a brief that’s been put out by the Ontario Association of Non-Profit Homes and Services for Seniors, they say, “The biggest challenge our members face is the chronic underfunding of the sector by successive governments; and the current government’s failure, thus far, to fulfill its ‘\$6,000 promise’ for direct care and services made during the last election campaign.” If some of that money actually got on the table, we would be in a much better position to enhance care for residents.

1620

**Mr. Khalil Ramal (London–Fanshawe):** I rise today to speak in support of Bill 140 to improve care in long-term-care homes.

First, before I start, I want to commend the minister and his parliamentary assistant for the hard work they do on a daily basis to make sure all our seniors in Ontario live in comfort and are protected, live in dignity and are shown respect. We heard a lot of horrible stories from many different homes that respect the regulations and respect the seniors who gave their life—their youth and their talent—to build this beautiful province for us.

Today we have a bill before us to make sure that all the laws are respected and that our seniors in Ontario live with dignity and respect. I was listening to the minister and his parliamentary assistant on the details of how much this bill, if passed, will improve the lives of our seniors in the province. I was very impressed, especially since I had the chance two weeks ago to visit many long-term-care homes in my riding of London–Fanshawe. I talked to the residents. I talked to the staff. I talked to the nurses. I talked to the families. They were very impressed, very happy. They see the difference between what we are doing as the present government and what the past government did to them, at least in terms of bathing, in terms of staffing, in terms of nursing and in terms of equipment to help the staff do their job without hurting themselves.

I think this bill, if it is passed, will make sure that the residents and the seniors who live among us live in respect and dignity and that they consider the home where they live as their home: They can have a friend to visit, they can have a garden to plant, they can have staff

to deal with them with respect and dignity, and they can make sure that all the people around them are there to serve them, not to abuse them.

**Mr. Tascona:** I appreciate the member from Kitchener–Waterloo giving me the two minutes. She is our critic and I know she is going to do a great job with respect to speaking on this bill. I know she will be very thorough and much longer than the minister, who I think spent five minutes speaking on the bill and then punted it off to his parliamentary assistant to finish off. Quite frankly, I wish the minister were here to hear what I have to say, but—

**Mr. Dave Levac (Brant):** On a point of order, Mr. Speaker: I know the member realizes there is a situation here where we never mention absences in the House.

**The Acting Speaker:** I would ask the member for Barrie–Simcoe–Bradford not to make reference to the absence of the Minister of Health. I return to the member.

**Mr. Tascona:** It’s an empty seat. That’s all right, Mr. Speaker.

I can just say that this is a serious issue. In my riding I’m very privileged to be able to deal with a lot of the long-term-care home administrators. Peggy Wall Armstrong is an advocate, certainly a lead person with respect to dealing with this particular issue. We have a shortage. I’m very proud of the years that we were in government with respect to the number of new nursing home facilities—I think seven new facilities, in excess of 1,000 new beds—for an area that didn’t have any. I’m very proud of Victoria Village, Woods Park home, Roberta Place, and the new expansion of the IOOF, just to name a few.

It’s very important, because of the shortage that we have, and I’m very disappointed that we have a shortage. We believed that we were going to get another 150 beds, and one day, what happened was, all the beds seemed to go down to Kingston for some reason. I just wonder why. Maybe there was a Liberal member there. But the shortage is acute and needs to be addressed.

**The Acting Speaker:** That concludes the time for questions and comments. I’ll return to the member for Nipissing for her two-minute response.

**Ms. Smith:** I’d like to thank the members for Parry Sound–Muskoka, Nickel Belt, London–Fanshawe and Barrie–Simcoe–Bradford for their comments.

To the member from Parry Sound–Muskoka, who proudly talked of the three or four new builds or rebuilds in his riding: I’m sure that you did benefit from the previous government’s largesse. There are a number of areas in the province, however, that didn’t. I don’t know why the member for Barrie–Simcoe–Bradford still has a shortage, but clearly you didn’t have the ear of the member for Kitchener–Waterloo. You should have talked to her. It’s unfortunate that we’ve had this imbalance across the province in some of the new builds, but we’re trying to address that, and through our licensing we hope to be able to address that over time.

The member for Nickel Belt highlighted that the bill of rights was not amended or changed. In fact, it has been enhanced. I’d just like to emphasize that section 15 used



to read that every member who was in imminent risk of death could only have family, and now what we're saying is that, through this bill of rights—and this is just one example of many; the bill of rights goes on for pages—every resident who is dying or is very ill has the right to have family and friends present.

I was using it as an example to point out that we have expanded the rights of residents to ensure that we address some of the concerns, because not all of our seniors have family members present. The right has been expanded to include the ability for them to have friends and family, and to have them there not only when they are in imminent risk of death but when they are truly ill.

I think we've listened to what residents wanted and what family members wanted. We've addressed that in some of our enhancements to the bill of rights to ensure that our residents across the province live with the quality of life they deserve.

I want to thank all of the members. I know that we'll have an interesting and lively debate over the coming weeks on this piece of legislation. I know that we all have, at the end of the day, the best interests of our residents at heart, and I hope we can ensure that our residents are well served across the province through the introduction of this new legislation.

**The Acting Speaker:** Further debate?

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** I will be speaking to Bill 140, An Act respecting long-term care homes, which was introduced by the Minister of Health and Long-Term Care on October 3, 2006.

Basically, what this bill proposes to do is to consolidate three existing pieces of legislation—the Nursing Homes Act, the Charitable Institutions Act and the Homes for the Aged and Rest Homes Act—into one single act.

It is a piece of legislation that has been a long time in the coming, and it is a piece of legislation that regrettably fails to respond to all of the hype that the Minister of Health and Long-Term Care attempted to generate prior to the bill coming into this House.

I would have to agree: I was disappointed that the minister was only here for a few minutes to speak to the bill. I think this bill gives short shrift to the residents in these homes. It certainly speaks to a broken promise by the McGuinty Liberal government, because what people were hoping for in this piece of legislation was that the Liberal government would keep their promise to provide the residents with \$6,000 per resident for an additional 20 minutes of personal care to allow for more time for feeding, for dressing, for toileting and just that one-on-one interaction with residents.

This was a promise that Premier Dalton McGuinty made in the last election. It is a promise that he has now broken, and in doing so he has betrayed the trust of some of our most vulnerable citizens in these homes, and certainly the family members are extremely disappointed as well.

This bill also has other failures which I will speak to. It certainly does not provide the safety, the dignity or the comfort that the minister purports it does.

Let's just go back. This bill has been a long time in coming. In many ways, this government was only prompted into action because of an article in the *Toronto Star*. The member for Nipissing did some work on a discussion paper, and you know what? The individual did say, on May 11, 2004, that, "The measures the government is taking will put us on the path to ensure all long-term-care residents live in dignity and have the highest possible quality of life." I would just submit that this bill, as it presently is constructed, does not achieve these particular goals.

1630

Then, of course, there was more hype in November 2004, when we were told that we could expect to see the legislation introduced early in 2005. This was not the case, and Ontarians were left waiting for a couple of years for the minister's promise for a revolution in long-term care. Regrettably, now that almost two years have passed, the legislation was introduced, and what we find in this bill is not a revolution. Much of this bill is simply smoke and mirrors. It contains initiatives that have already been put in place, and it really is somewhat deceptive. Again, it doesn't speak to the promise of the \$6,000 per resident. It doesn't speak to a capital renewal program. I'm going to certainly speak to some of those problems with the legislation and the broken promises further on.

I want to begin, though, and I want to stress that this bill is evidence of yet another broken Liberal promise. It demonstrates once again that the McGuinty Liberals are prepared to say anything to get elected, as they did, and they are willing to break their promises afterwards. In this instance, it was to our most vulnerable and frail residents.

Yes, they promised in the election that they were going to provide \$6,000 in additional care for every resident, and they were going to provide an additional 20 minutes of care. They have broken that promise. You know, when you visit the long-term-care homes and you speak to the caregivers, you speak to the family members and you speak to the resident councils, the one thing that they all plead for is that they get the additional personal time, the personal care. Yet this government has totally ignored the plea of the residents, the plea of the families and, of course, the pleas of the caregivers. Whether it's the personal support worker, whether it's the administrator, whether it's the nurse, they have simply ignored that fundamental request for more personal time. We are dealing with people who are frail, they're elderly, many of them are in wheelchairs. They need help getting dressed; they need help getting ready for the day—all that personal care. They need help with toileting. Yet this government has broken its promise to provide them with the additional funding to get that additional level of care. In some respects it makes for an unsafe environment for the people in the long-term-care homes because they don't have enough time; they're rushing to accomplish these basic tasks. So certainly they are not being served and provided with dignity.



Let's go back to 2003, when the minister said he was going to start a revolution in long-term care. This bill is anything but a revolution. The minister talked today about the fact that we have these homes. Well, if the minister had taken a look—we started talking about homes and home-like settings in 1998. Eight years later, he's promising that there will be homes, there will be home-like settings. He has totally missed the fact that this all happened eight years ago. The unfortunate reality is that he has not moved forward one iota to make sure that half of the people who live in long-term-care homes today are going to be the beneficiaries of the same design standards that we introduced in 1998. In his world, half of the residents, about 35,000 or 36,000 people, are going to continue to be forced to live in three- and four-bed wards without any ensuite washroom. They're going to be forced to travel through the homes and facilities—and they would be called "facilities" at this point in time, because nothing has been done—that are not wheelchair accessible. They're going to be forced to line up at the elevator for 20 minutes, half an hour, in order to go down to perhaps a dining room in the basement where they would all eat together.

This bill does not speak to improving the dignity and the comfort for half of the residents in this province who require a change in their accommodation and should be given the support in order to make sure that we can continue with the capital renewal plan that we put in place in order that they can live in homes that meet the new 1998 standards.

There is nothing in this bill—very little—that wasn't there before. I think that was the biggest surprise. You take a look at the newspaper articles, at any of the editorials, at what the health care professionals, the providers, the associations are saying about the legislation—there's nothing here. Most of it was already part of other pieces of legislation.

This bill does nothing to address some of the real problems we hear about. This summer I heard from many residents in my community of Kitchener-Waterloo and people in other parts of Ontario about the fact that we had extreme temperatures. During that time, the residents in many of these homes were suffering. They were hot. They were uncomfortable. There is no responsibility in this bill or anywhere else to provide air conditioning. That's been totally overlooked.

This bill does nothing to ensure that residents are being offered fresh and nutritious food. This bill does nothing to invest in capital renewal for the 36,000 long-term-care residents who, I have just said, continue to live in beds that meet only the 1972 design standards, meaning that these residents—I want to stress it again—are going to continue to live in three- and four-bed wards with no ensuite bathrooms or no wheelchair accessibility throughout the home. This is certainly contrary to the minister's claim that he is taking steps to improve the quality of life for the residents in long-term-care homes.

No, Bill 140 also doesn't look at expanding the scope of long-term care in Ontario. It contains no vision for the

future. Recently we have heard that these long-term-care homes, which were designed for our frail, our elderly and our vulnerable, are now becoming the destination for those adults who are being moved out of some of the community living and the regional homes, without any thought for the fact that these people have many different needs. They have a different need for food, they have a different need for programming, yet this government moves ahead and doesn't put these individuals, these adults, into group homes. No, they are now planning to put them into long-term-care homes. It's unbelievable how this government is prepared to treat people in Ontario.

I can tell you that we did hear from people, and I want to highlight some of the responses to this legislation. "Nursing Home Bill Falls Short, Critics Say." This was in the *Toronto Star*, Wednesday, October 4, 2006. This was lawyer Amani Oakley, who represents the family of Guiseppa Robino, a 96-year-old woman who died two years ago after she was assaulted by a fellow resident at the Villa Colombo nursing home in North York. She says she's "a little tired" of the government's spin on how it is improving things inside homes. She said, "When I hear something like a residents' bill of rights, it makes me laugh."

1640

Then we have an article from the *North Bay Nugget* on Friday, October 6, this year: "Health Aides...." It quotes Cathy Carroll, secretary-treasurer of the Service Employees International Union, Local 1: "The Ontario government's new long term care (act) introduced Tuesday does nothing to improve the amount of quality of care nursing home residents receive." She is dead on. It doesn't.

Margaret Mather, a health care aide, said that the whistle-blower protection to curb abuse of residents is redundant because Leisureworld has had a zero-tolerance approach to the issue for years. Again, this government pretends that's new. There is so much in this bill that is not new.

Then we have another article in the *Toronto Star* on Friday, October 6, entitled "Seniors Deserve Better."

"Three years ago, Ontario Health Minister George Smitherman promised 'a revolution' after the *Star* reported on a widespread problem of shoddy care, neglect and even abuse in the province's nursing homes....

"But the reforms to date still fall short of Smitherman's goal of 'a revolution' in nursing home care."

We have a letter to the editor in the *Toronto Star* on Wednesday, October 4, entitled "Elderly Deserve Better than This."

"Patients already have two baths per week. Nothing new there."

"'Registered nursing care' is misleading. Most of the nursing care is done by caregivers, not by registered nurses. This will not change."

"Gaping holes in the quality of life for nursing home residents will persist until many other regulations are changed."



For example, we have this letter from Janet Seabrook in Mississauga, who says, "There's no limit on how hot it can be in patients' bedrooms. So while we were cranking up the air conditioning in July, seniors in the long-term-care homes were cooking in their beds. It's legal, and it looks to remain so. Our elderly and frail deserve better than this bill looks to be giving them."

Now, the legislation not only received a cool response from the media and those who work on the front lines with the residents in these homes, but also from the Ontario Long Term Care Association in their press release on October 3: "The new Long-Term Care Homes Act falls far short of its goal to create resident-centred home environments for the over 36,000 residents"—that's 50%—"who live in the 350 older B- and C-classified homes in communities throughout Ontario."

"Without significant changes and a commitment to a capital renewal program, these residents will be denied the same physical comforts, privacy and dignity already being enjoyed by residents in newer homes. Most of them will be forced to continue to call a three- or four-bed ward room 'home.'"

Then we have the Ontario Association of Non-Profit Homes and Services for Seniors. In a press release on October 3, they say that they wish to remind the current government of its commitment to increase operating funding by \$6,000 per resident. They also say that their preliminary review of the bill has caused them serious concern, including implications for the not-for-profit sector—the administrative and financial burden of compliance. In fact, they tell us that Bill 140 is all about micromanagement. They have concerns about the fixed-term licensing provisions. They say that Bill 140 stands out as highly detailed, prescriptive and punitive.

Then we have the Ontario Nurses' Association press release on October 3. These are the individuals who are on the front lines, providing compassionate care to these residents on a daily basis. They say that the long-term care legislation misses the key elements. They go on to say that they are urging the government to add minimum staffing standards and other provisions. Of course, they're looking for hearings on the legislation, and I would agree. They also go on to say that registered nurses working in long-term-care facilities—this is in a press release of October 17—are paid less than their hospital colleagues, that they face horrendous workloads—I've certainly seen that first-hand—and they lack safe equipment. So we need to keep their concerns in mind, and they are certainly important concerns to keep in mind.

It's interesting, because the minister, in a rather intimidating fashion, sent out a letter to the long-term-care home operators on October 3 which wasn't much appreciated by them. He tries to say, "This legislation is a cornerstone upon which we build a long-term-care system that will be a model for the rest of the country." I would say to the minister that the foundations for the long-term-care system were put in place by our government in 1998, when we made a commitment and

followed through to build 20,000 new beds, to renovate all 16,000 D beds, and to ensure that all of these beds were built to the 1998 design standards, which did mean that people were going to be accommodated with dignity and with comfort.

I'm proud to have been a part of a government that had a vision for long-term care in this province and a government that backed the vision by making unprecedented investments in long-term care in the province of Ontario. I'm pleased to say that we did it after consultation with those in this province and, certainly, people in the long-term-care sector.

I would also say to the minister that if he thinks this is a cornerstone upon which the system for the rest of the country is going to be built, he's too late. The rest of the country has plans to eliminate the last of their four-bed wards for residents, and this minister has no plan whatsoever.

Let me go back to 1998 and April, when we announced that we were going to be investing a total of \$2.1 billion. We were going to be opening new homes, we were going to be investing in community-based programs, and we made our announcement of 20,000 new beds. In that year as well, we released our new mandatory design standards, which came into effect on April 1, 1998. This superseded all prior structural standards and guidelines, which meant that all residents—and that is about half of the residents in the province of Ontario—would now actually be able to live in the dignity and the comfort that they deserved. They would no longer have to live in three- and four-bed wards. They would now have wheelchair access throughout the entire home. They would have ensuite bathrooms and they would have dining and recreational facilities within their home area. That is one of the biggest differences that our government put in place: the fact that these people were able to live in these new areas that were limited to 32 people in a home-like setting.

We provided the capital funding for the new beds. Then we announced that the D beds also were going to be renewed, and we had a plan in order to ensure that that was going to happen. Unfortunately, this Liberal government has not continued with the plan for capital renewal, so we now have half of the beds, about 35,000 to 36,000, that are still only meeting the design standards of 1972.

**1650**

When our government made the long-term-care bed expansion, it represented the largest-ever investment in health services in Ontario's history. It also represented a big shift and a big commitment on the part of the government, unlike the fact that, for 10 years prior to this, the Liberal government and the NDP had added absolutely not one more bed.

I want to start now and take a look at some of the content of Bill 140. Some of the points that are made are basically smoke and mirrors. There are actually some things here that are not true. I think the most significant new item in Bill 140 that is not totally true is the limit of



the operating licences of homes. The people and the communities in this province are being told that this limited licensing is “good for you.” It’s good for the future of access to long-term-care beds. They’re being told, “Be happy. There’s nothing to worry about.”

This is a blatant attempt by this government to hide the facts from the people in the province and to continue to duck their responsibility, which they have for over three years now, to commit to provide the capital funding required to renew the older buildings. I’ve talked about the 35,000 beds. We would all hope that residents in this province can have a home to live in that would meet the new design standards. Well, I’ll tell you, these new licensing limits are not going to help us achieve that goal.

All of the minister’s rhetoric, and the government’s printed material, talks about operating licences of up to 25 years. This leaves families, residents, staff and communities left to assume that their home and their community is going to have an operating licence of up to 25 years. The reality is, it’s not even close to that. In fact, of the over 600 long-term-care homes in this province, only homes that have not yet opened—and this government has actually not announced any more than about 300 to 400 beds in more than three years—will have an operating licence of 25 years.

When this legislation is passed, all private, not-for-profit and charitable homes in Ontario will receive a transitional licence for a defined period of time that is, in fact, less than 25 years. Indeed, the largest group of these homes, over 300 in fact, where almost 30,000 residents live and which are mostly in communities in rural Ontario, will all be given licences that expire in 10 years—a far cry from 25. I don’t think that people in the rural communities are aware of this, and it certainly will create some uncertainty.

There’s also a group of charitable and not-for-profit homes that from a design point of view are very similar to new homes, including having only two people in a room, and they will be given licences that expire in 15 years—again, a far cry from 25 years.

Even many of the new state-of-the-art homes that have the highest design standards in the country that were built as part of our government’s 20,000-bed expansion and the D-bed redevelopment programs will not be getting 25-year licences. In this bill, the countdown for these homes started the day they admitted their first resident and, for some of them, this was 2001, meaning they get a licence that expires in 20 years, according to this bill. There is not even any plan—and this is, I think, what is most disconcerting when you take a look at how this government plays politics with people’s lives—for what happens at the end of the transitional licence period.

In fact, the way this legislation is written, the government can decide to do anything it wants with the home three years before a licence expires. They can decide to take away the licence, and the home in that community will close. They can take away the licence and move the beds and the residents to another community, miles away from their loved ones, their family,

their friends. They can ask the operator to rebuild to the new design standards to keep their licence, knowing full well that that would be impossible for any operator to do from a financial point of view if the government’s not going to provide some financial capital funding. Or they could ask the operator to invest hundreds of thousands, or even millions, of dollars to do upgrades to their home that will not even address the core issues of resident comfort and dignity by continuing to have residents live in three- and four-bedroom wards. Or they can expect the operator to do all of these things with no guarantee that the licence will still be renewed or for how long. I can tell you, given this uncertainty, people such as those who manage financial institutions or people who make contributions to charitable organizations just might be more reluctant to provide financial support in the future.

Again, the government can decide to renew the licence with no changes because it is the politically expedient thing to do, or the government can decide just as easily that this community does not deserve a new home—maybe it’s not in a Liberal riding—or if the decision is not to renew the licences, not bother to tell the operator, the residents, their families, all of which, by the way, is actually allowable under subsection 101(3) of this bill. Note that subsection 101(5) gives them the ability to not even provide reasons for deciding not to issue a licence.

OANHSS has said, “The fixed-term licensing provisions will increase financing costs for long-term-care homes and complicate refinancings.

“Fixed-term licences with licence renewals tied primarily to compliance with building design requirements (for which there is no commitment to governmental financial support) can be expected to complicate financing for all long-term-care homes and increase their cost of money for long-term financing. It is likely that lenders will attach a premium to cover the risk of non-renewals (or renewals with expensive conditions attached) and will make the negotiation of new financings more difficult.

“The inability of not-for-profit homes to sell their licences to anything other than another not-for-profit (with exceptions specified by regulation) reduces the market value of those licences which, in turn, will reduce their value as security interests for mortgages and other types of financing.”

They go on to say that they’re also studying the implications of fixed-term licences for charitable gifts, and they pose the question: “Will donors give long-term funding through endowments and multi-year commitments to charitable institutions that now have fixed-term licences, especially in the latter years of those licences? To what extent will fixed-term licences disadvantage the charitable long-term-care-home sector relative to other sectors?”

While municipal homes are excluded from the deadlines of the minister’s licensing scheme, because they will continue to have approved and not licensed beds, their communities, their residents and their families are not excluded from the uncertainty that has been created. Under this bill, it appears that the government could



force any municipal home to use funding from the municipal tax base to require renovations, additions or alterations. However, can they rebuild to the new design standards, and is there capital funding assistance from the province? Obviously, nobody has any idea.

1700

Far from being reassured, families, residents and communities across Ontario obviously are concerned about what is contained in this bill. Obviously, the minister has not spoken about the true facts. In fact, rather than doing this, the minister has continued to obscure the facts and talks about planning flexibility for the future, which means Big Brother government knows best.

The biggest planning flexibility provided by the licensing scheme is that the government can arbitrarily close beds wherever they choose in Ontario. This is what planning for the future means to this government, when the people of Ontario recognize that they need more beds. Just ask the people in Simcoe county or Sudbury or Ottawa. It is difficult to reconcile this planning flexibility rhetoric with the minister's own statement that long-term-care beds are an integral part of the plan to improve hospital waiting lists in communities across Ontario.

Perhaps this desired planning flexibility is the flexibility the government will have to move existing beds around. This is a planning principle that may sound good in downtown Toronto, but I can tell you it is very scary and it's very worrisome for rural Ontario. Having grown up in rural Ontario, we have lots of small communities with many small long-term-care homes. They have been an integral part of the social and economic fabric of that community for decades. Also, the people are able to live in a home close to their family, close to their friends who continue to visit. Well, this planning flexibility the government has would place that home in that small community, and the support that is provided to that home, at high risk.

I want to give you an example. The minister can now decide in seven years that having a 50-bed home in each of two or three small towns that are in the same region is simply not necessary and that that region can best be served by merging those two or three homes into a single, larger home that could be built somewhere else, perhaps not even in one of those three communities.

I come from Huron county and we have a home in Hensall, we have a home in Zurich, we have a home in Exeter. We have residents who live there and are happy to live there because their friends and their family can come and visit them. In fact, in wintertime, it's a short drive and on good days their older friends and their older family can still get in the car to visit. On the sunny days, their family and friends can even walk to visit. What if this government decided to close the home in Zurich, the home in Hensall, the home in Exeter and just have one big home up in Clinton? I can tell you, that would not allow these residents to continue to live with the same quality of life, the same dignity, the same comfort, because they would be isolated from their family and friends, who on many occasions wouldn't have access or

transportation to visit that elderly family friend or that resident. But this is what this bill would allow the Liberal government to do.

There is a reason why having a 50-bed home is good public policy. It is because part of making a long-term-care facility truly a home is making sure that it is close to the homes of a resident's loved ones and friends. Better planning flexibility would in fact be if you could tell the people when they're going to get a new state-of-the-art home in their community, not leaving them, as this bill does, worrying about when they're going to lose the home that they have.

If planning flexibility to meet the needs of current and future long-term-care residents in communities across Ontario was the goal of Bill 140, then this government would not be telling the 35,000 residents in older B and C homes that they will continue to live in three- and four-bed wards, that they will continue to not have ensuite washrooms, that they will continue to line up their wheelchairs to eat in crowded dining rooms for at least the next decade. This government would be removing the uncertainties they have created in this licensing scheme, and they would be committing to fund a capital renewal program in order that the remaining 35,000 residents in those beds would all have the benefit of the 1998 design standards and truly be living in a home-like setting with their own dining room and their own recreational room. The residents in those older homes, the families, the communities, want to know today how they can begin to plan now, not seven years from now, to rebuild to the new design standards. Instead, what they have been given is an operating deadline. They have been given more uncertainty about their future than they have ever had before.

This government seems to be totally unaware of the fact that one of the greatest pressures that our health system faces at the present time in the province of Ontario is the number of people becoming older, and those numbers are going to expand. But as these individuals become older, they are also more frail, they're more vulnerable. We need to look at innovative programs and services, and obviously homes, that can provide for these residents. That's totally missing from this bill.

If this government is like the previous Liberal government, they're going to leave that whole question about new homes, new beds, unanswered, instead of now developing effective public policy to allow those B and C homes to rebuild every year starting next year. We've already experienced how the Liberals deal with planning. When we took office in 1995, we inherited a long-term-care system where the Liberal and NDP governments had not added one bed in over a decade. Is some future government, after the next election in 2007, going to inherit a long-term-care program, or a decade from now, where 300 homes in this province are going to have their licences expire and none of them will have had the chance to rebuild to the new design standards? This is certainly possible as a result of the lack of vision and planning in Bill 140.



The government is creating this uncertainty and demonstrating its lack of vision at a time when the health care needs of seniors will be at their highest. From 2016 to 2026, the time when the majority of existing long-term-care home licences will expire, Ontario's senior population will be at its highest. In fact, the population of Ontarians over 75 years of age will grow from 776,000 in 2006 to 947,000 in 2016. That's almost one million people. And it's going to grow to 1,340,000 in 2026, and by 2031, the population over 75 years of age will have doubled. Many of them will be able to continue to live at home with supports, but there will be a group who will desperately need long-term-care home support, and it is the responsibility of the provincial government to make sure that that type of home is available to them. This government has so far not developed a plan for the renewal of these homes to meet the demands of the aging population.

While the government is trying to duck its responsibilities to commit to fund the structural renewal of older homes, they have in fact opened up the issue by placing a deadline on their future. The problem is, they don't have a plan for what to do about it or what to tell the residents, family, staff and operators they can expect next, so they try to obscure the details and tell them not to worry, just be happy.

**1710**

Interestingly, while this bill chooses to ignore the financial realities of the structural renewal issue, the minister does acknowledge in his statements that this is in fact the case. He acknowledged it in his recent RFP for new beds in Kingston and Hastings, where he will provide capital funding to assist with building these new homes to state-of-the-art design standards.

However, the government's failure to understand the reality of the long-term-care program and the funding model and their lack of vision to address the comfort and dignity of residents in older homes is now being explained as a budget issue. All they're doing is reinforcing the uncertainty to which they're subjecting residents, families and communities. The minister has provided no assurance that this issue will be addressed in the next budget.

Instead of trying to hide the facts of the licensing scheme, the minister would have done well to have first asked residents and their families about their expectations when they go into long-term care. We did that 10 years ago, in 1997, and do you know what they told us? One of their priorities was that they wanted to stop living their final years in dormitory-style accommodation: the three- and four-bedroom wards. In fact, they said, "Even university students have better accommodation than we do now, as they live in private and semi-private rooms." They said they wanted to stop having to back their wheelchairs into the washroom. They wanted to stop sharing that washroom with at least eight other people—they couldn't even turn their chairs in a circle to reach the sink. They said they wanted to stop having to line up to catch the elevator to get to lunch a half-hour before

lunchtime, only to wait in the basement for another half-hour to get into the dining room, where they could enjoy a meal.

We listened in 1997 to the residents and their families, and that's why we announced those 20,000 new beds and why we announced that 16,000 of the D beds would be rebuilt to the new design standards. We developed a deadline for when this had to happen, and it was a success. We had a plan for success, and now, less than 10 years later, working in co-operation with residents, families, people in the sector, we have 36,000 residents in this province, half of them living in new and rebuilt long-term-care homes in the province. They have private or semi-private bedrooms. They have ensuite washrooms with a turning circle to accommodate their wheelchairs. They have on-unit dining rooms, where no more than 32 people eat their meals in peace and comfort and avoid the lineup and the elevator ride. They have fully twice the square footage of space per resident, compared to older homes. I ask this government to plan in order that the other half of the sector can also appreciate the same quality of life.

Let's take a look at this bill now, under the heading Nothing New. Despite the minister and the Premier defining Bill 140 as a major piece of legislation and revolutionary, there's very little, in fact, in the bill that was not already in place before. Certainly, long-term-care homes have been legally bound in many ways through their annual service agreements with the ministry. The following are just some examples.

There are current regulations, policies and standards already in place with regard to zero tolerance for abuse and neglect. There are in place the same things for whistle-blower protection.

**Ms. Smith:** Where?

**Mrs. Witmer:** It's in the Nursing Homes Act.

There is already a requirement that a registered nurse be on duty in the home 24 hours a day, seven days a week.

Also, there are in place, certainly, some restrictions on the use of restraints with appropriate safeguards.

Requirements for assessing resident care needs, planning care, staff qualifications and training are simply restatements in law of 13-year-old program standards and regulatory requirements.

The requirement for resident councils is in the current legislation, and all of us who visit long-term-care homes know that these have been common in the homes for over a decade. The family councils program came into existence in 2002 and is now available and operating in over 70% of the homes across the province.

There are also tens of thousands of volunteers providing hundreds of thousands of hours of service each year in all homes, including for-profit homes. Long-term-care homes have been welcoming local community service clubs, cultural organizations and spiritual care providers as partners in efforts to enrich the lives of the residents for years. This is nothing new.

The reporting and investigation by inspectors of alleged abuse and risk of harm and of written complaints



received by LTC home administrators has been policy for over a dozen years. Unannounced inspections, public reporting of inspection reports, posting inspection reports and financial information are also not new requirements.

What has happened is that the government has moved much of what was existing policy into the new legislation, and where they have made changes, they have tinkered at the edges with what has already been in place. The question I would ask is, did it really take three years and a new act to do this?

The government's effort to paint this bill as something new and revolutionary has had a very negative impact on providers and staff. We've heard from individuals who have felt quite insulted and demoralized by what the government is doing. The minister keeps saying that the vast majority of homes do a good job, and I would agree. They do. Then he stands in the House and gives them no credit for the things they have been doing for years and sends a letter to residents and families to reinforce his message. It was, I will tell you, an insult and demoralizing to the providers and staff of those homes.

Let's now take a look at the broken promises. We had an exhibition in this House a few years ago—tears. The minister stood up and he was going to fix long-term care. Take a look at Bill 140 and it clearly demonstrates that the government was not able to diagnose the problem. Now, with this bill, we know that they don't know how to fix it.

Everybody knows that the issue in long-term care is lack of operating funding to provide the level of care required to meet the growing needs of these long-term-care residents who have a higher level of acuity. The current Canadian standard is three hours of care per resident per day and above, while Ontario provides around 2.5. Instead of addressing this need, the government has put forward a series of provisions with no additional funding, which is simply going to increase the operating costs of all these homes. There is no additional funding for staff training. Additional funding is going to be required to meet the regulatory requirements. It's simply going to put a strain on an already overstrained long-term-care health system.

Today, I hear, and I know my colleagues on this side of the House hear, from families and residents about the lack of time that staff and management have to spend with residents. They sympathize with the staff, who they say are compassionate and caring, but they recognize that these people have to complete all these reports and these processes. What this bill now does is to require the home's management team and staff to do even more reporting and go through more processes, without any additional money. Really, this bill, I would say, is one where the government has decided to abdicate their responsibility to address the issues.

The bill outlines detailed accountabilities for the licensee regarding abuse, neglect and risk of harm, and that's fine, but nowhere in this bill does it talk about the accountability of the ministry to provide the resources for the homes to reduce the risk for these situations to occur.

The desired level of monitoring cannot be provided when staff are rushed off their feet to try to meet just the basic care needs: less than 10 minutes to get one of these residents up, to dress them, to take them to the bathroom and to the dining room for breakfast. Unbelievable. I can't do that; I don't know how these individuals can be asked to do that for these vulnerable citizens.

1720

OANHSS calls this approach "command and control." They say, "The biggest challenge our members face is the chronic underfunding of the sector by governments; and the current ... failure ... to fulfill its \$6,000 'election promise' for direct care and services made during the last election campaign." They talk about the fact that "the additional regulatory and administrative burden imposed by Bill 140 will exacerbate the funding challenges we already face." They say, "Accordingly, we are very disappointed that the government has ... not accepted our long-standing recommendation to entrench in the legislation a commitment to adequate, secure, multi-year funding."

Instead of upholding their responsibility to provide the resources where the homes, the resident councils and the family councils could work together as partners to enhance the quality of care for the residents, this bill, absolutely unbelievably, now forces the resident and family councils to become part of the ministry's inspection regime. In legislation, they will now be held responsible for reviewing inspection reports, financial statements, the operation of home dispute resolution, and watching out for abuse, neglect and improper care. In fact, OANHSS is very concerned about the volunteer directors. They say, "The substantial increase in the duties, responsibilities and liabilities of directors and officers of corporations operating long-term-care homes (section 67) will be a significant barrier to recruiting and retaining high-quality directors in the not-for-profit sector. Section 67 makes individual directors and officers personally liable to ensure compliance with 'all requirements under the act.' Failure to comply could result in a conviction for a quasi-criminal offence." They go on to say, "We have serious concerns with this move to impose such a pervasive standard of due diligence and skill on unpaid volunteer directors who give freely of their time to serve on not-for-profit boards."

I want to quote from Miller Thomson. They say, "In introducing" this "legislation, the Ontario government has focused on the enforcement aspects...."

"While these are important, does the proposed legislation strike the right balance, or does it create an overly restricted environment in its efforts to prescribe standards for care, service, staffing, training, operations and the like? In practical terms, will it be possible to comply with the requirements of the act?" It goes on to say, "Do the long-term-care homes have the required resources to fulfill these obligations, especially in light of the potential liabilities for failing to meet these requirements? Finally, should it go further to address systemic issues, such as access to long-term-care beds and examining the role of long-term care within the health care system?"



You can see there are many concerns coming from many stakeholders throughout the province.

Let me say that this bill places the onus on the courts to determine what is reasonable for long-term-care homes to provide in respect to residents' rights and wishes, determined through satisfaction surveys. Again, I come back to the question I asked before: Where is the responsibility of the ministry and this government to ensure that long-term-care homes have the capacity and the financial resources to meet the residents' rights and wishes? The ministry's grand transformation plan identifies its new role as a steward of the health care system. However, if we take a look at this bill, when it comes to long-term care they have totally abdicated their responsibility to the courts, resident and family councils, volunteers, contractors who work in the home—anybody but this government.

I want to talk about mismanagement of the health care system. This bill flies in the face of the minister's rhetoric about the importance of long-term-care homes to the future development of Ontario's health care system. That's what we introduced. When we introduced those 20,000 new beds and we started renovating and rebuilding the old ones, we said that this was part of a continuum of care that starts with promotion and primary care, the hospitals, community care and long-term care. If you take a look at the administrative weight of the provisions here, the deadlines on the homes, the lack of vision around the renewal of older homes, it has effectively removed long-term care as a health system partner in any continuum of care at the provincial and local level.

This bill creates increased onerous legal requirements for information and reports on the director, inspectors and placement coordinators. It leaves no flexibility for rationalization or alignment with other health care providers. How are these people supposed to attend the LHIN meetings? And this bill decreases the flexibility and responsiveness of long-term-care homes.

I would say to you, this bill is certainly another example of a government that is prepared to say anything to get elected and then turn around and break their election promise. In this case, what is most important to the residents is the fact that they would have that ability to move into new homes that meet the new design standards, that provide them with an enriched quality of life, comfort, safety and dignity, and also that the \$6,000 that was promised by the Premier for each resident in order that they could get 20 minutes of personal care would be provided. It is regrettable, but I say that our frail and elderly deserve better than this bill.

**The Acting Speaker:** Questions and comments?

**Ms. Martel:** In response to the remarks made by the member from Kitchener–Waterloo, it is true: The bill of rights was already enshrined in the three acts that we currently operate under, and there haven't been significant changes in terms of the individual provisions that are outlined in each of those acts with respect to that bill of rights. It's also very true that residents' councils have

already been provided for in existing legislation and have been since 1993.

What's really of concern to me, frankly, is what's missing from this legislation. It took the minister two years to finally get this bill here after the first time he promised it, and yet, even though it was an opportunity to really ensure that we are protecting and enhancing the quality of life for residents, so much is missing.

Where are the standards, for example, with respect to temperatures in long-term-care homes? We had a terrible situation in the riding of my colleague from Hamilton East this summer, where residents tried to talk to an operator of a long-term-care home about the sweltering heat in that long-term-care home and got absolutely nowhere. There's nothing with respect to standards around temperature in this legislation.

There's nothing in this legislation with respect to hands-on care. I have to say that it was the Conservatives and the Conservative government who cancelled the minimum standards of hand-on care that had been in place under New Democrats. That was a huge mistake, and I will speak at length about that in my remarks. But what's even more troubling is that Liberals, who promise to reinstate those standards, don't do that in this legislation either, so shame on both of you.

I also want to say that there isn't anywhere in this legislation a clear statement of support for not-for-profit delivery in long-term care. I go to a brief that's given to us by the Ontario Association of Non-Profit Homes and Services for Seniors, where OANHSS says the following: "Health care statutes such as the LHIN legislation" and Bill 8 "contain clear statements in support of not-for-profit health care delivery. It is both remarkable and disappointing, therefore, that Bill 140 contains no statement in favour of the not-for-profit sector in light of its special status in health care delivery." I agree with OANHSS in that regard, and I look forward to participating more in the debate a little later on.

**Ms. Smith:** It would take me at least an hour to decipher some of the misconstrued notions of the former minister with respect to her presentation on Bill 140, but let me just address a few. One of the concerns she raised on numerous occasions was the lack of standards around air conditioning, while touting over and over again her state-of-the-art standards in her new homes that she built. In fact, there is no standard requiring air conditioning in her new homes, so the member for Kitchener–Waterloo will have to address that in her own mind.

With respect to whether or not we have zero tolerance policies, they're not required in our homes now. This is new in the legislation, as is whistle-blower protection. It was present in one of the three pieces but not in all three, and this is new.

1730

Not all homes were giving two baths a week, minimum, for our residents, because your government removed all minimum standards. We are putting those standards back into place. Your government removed minimum care standards.



I would note that you spoke at length about planning and the ability to have beds in the proper places. From the 2002 auditor's report: "In our 1995 annual report, we noted that, although it was aware of significant growth projected for the population aged 65 and over, the ministry"—I believe that was your ministry at the time—"did not have a strategy for dealing with the anticipated increase in demand for long-term-care beds. We also noted that it did not have a systemic plan to determine where beds were most needed and to eliminate the wide variations in bed supply to make it equitable throughout the province."

You also spoke about the fact that we were, I think you said, ceding the territory on compliance and enforcement to a number of entities. In no way is that the case. I would ask you to look at sections 19 to 23 and pages 94 to 105, the compliance and enforcement inspections—you may have missed them—and the abuse and neglect sections. You may want to look at those.

I would note that the auditor, in his report in 2002, noted that "between 1997 and 1999"—and I believe those were your glory years, as you referred to them—"fewer than half of the facilities were inspected annually." Wow. That's something to be proud of.

I just note that—

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** Time.

**The Acting Speaker:** I would ask the member for Renfrew-Nipissing-Pembroke to wait his turn.

**Mr. Yakabuski:** I just noticed that the clock ran out.

**The Acting Speaker:** As did I, and I didn't need your assistance, but thank you very much.

Questions and comments? The member for Renfrew-Nipissing-Pembroke.

**Mr. Yakabuski:** Thank you very much, Mr. Speaker. I was just keeping an eye on the clock. We're keeping an eye on this one, too.

This is quite a long bill, 127 pages. The minister thought so much of it that he spent, what, about three or four minutes talking about the bill and ducked out. He's probably gone to work on one of those propaganda ads. He'll be distributing that throughout the province—

**Ms. Smith:** On a point of order, Mr. Speaker: We've already addressed this issue before and the member knows he has violated the rules of this House. I think it should be addressed again. Thank you, Mr. Speaker.

**The Acting Speaker:** Thank you very much. I'll return to the member for Renfrew-Nipissing-Pembroke.

**Mr. Yakabuski:** I'll continue: So the minister is likely out working on new propaganda ads to disseminate throughout the province, telling the public—

**The Acting Speaker:** The member for Brant.

**Mr. Levac:** On a point of order, Speaker: My understanding is that the tradition of this House is not to mention the attendance of members' in this place, whether they're here or they're not here. It's been done twice now.

**The Acting Speaker:** Well, I'll clarify it. I would ask all members of the House not to make reference to the

absence of the Minister of Health and Long-Term Care or any other member who may be absent. I'll return to the member for Renfrew-Nipissing-Pembroke.

**Mr. Yakabuski:** Thank you very much, Mr. Speaker. So the minister is working on propaganda ads, wherever he may be. Maybe he's sitting there. I don't think I mentioned that he wasn't sitting there.

However, the point is that the bill is a smokescreen. It's a smokescreen for what they're not doing in long-term care. When you visit long-term-care centres throughout this province, the people who operate those centres and the people who work in them are not impressed by a huge bill that is not going to give them any more ability to provide services to the residents of those long-term-care centres. This government made a promise of an additional \$6,000 per resident in long-term-care centres. It has not followed through on that, and continues to pretend that it's doing—

**Ms. Smith:** Time.

**Mrs. Carol Mitchell (Huron-Bruce):** Time.

**Mr. Yakabuski:** Mr. Speaker, am I going to get some additional time?

**The Acting Speaker:** I think you've made your point and I thank you very much for your intervention.

Questions and comments?

**Mr. Michael Prue (Beaches-East York):** I tried to listen intently to the member for Kitchener-Waterloo because, as always, she is a former minister. She is a minister who had this file and oftentimes what she has to say is quite revealing.

I must state at the outset that I found it a little disconcerting when she was talking about the standards, because I was in this House during the last government. I was here for some two years of the last government, sitting in this almost identical place and watching while her government dismantled much of the long-term-care facilities and the standards that were there. I remember some of the horrendous debates.

Notwithstanding that, she has made some very good points. Perhaps in her rebuttal she might comment on what her government chose to do before and whether in fact it was a good thing. But she has talked about what I think are important points, and that is the continuing closure of the B and C wards, the B and C units that exist in the province and the updating of the long-term-care facilities. I know members probably have had an opportunity to go into some of the newer facilities in their respective ridings or around the province and to also see some of the older ones. I do have to tell you that some of the C facilities are really, really not up to snuff and they ought to be closed. She's made a very good point on that.

She also made a very good point about the lack of funding contained within this bill. I do remember the heady days of 2003 and the election promises that were being made. I do remember the Premier quite eloquently stating that there was going to be some \$6,000 available per resident for care. When I look at the provisions of this bill and what is being said, not only by the minister



but by his parliamentary assistant, there is nothing there that gives me any cause for comfort that the \$6,000 that was promised is within the body of the bill or will be forthcoming in the next budget. I find that that is perhaps what ought to be looked at in more detail.

**The Acting Speaker:** That concludes the time for questions and comments. I'll return to the member for Kitchener-Waterloo, who has two minutes to reply.

**Mrs. Witmer:** I would thank the member from Beaches-East York, the member from Renfrew-Nipissing-Pembroke, the member from Nickel Belt and of course the PA, the member from Nipissing. I appreciate the comments that have been made.

I would just hasten to add, again, that I think this bill, regrettably, falls far short of the government's commitment to revolutionize and to develop a plan and vision for long-term care. This bill does not continue to move forward with the provision of additional funding, the \$6,000 that was promised by Premier McGuinty in the last election, the \$6,000 that was going to provide the additional 20 minutes of care. As I said before, it is totally impossible to provide only 10 minutes of care to help people with dressing, getting them ready, with toileting; it's just not possible. It would be so much more humane if this government would live up to its obligations.

This bill also does not move forward with allowing individuals to live in what I would consider to be a true home-like environment. It does not continue with the rebuilding of the B and C beds, beds that at the current time only meet the design standards of 1972, which means that in the immediate future, despite the fact that these individuals are paying similar compensation, they are still in three- and four-bedroom wards without ensuite washrooms, without buildings that are wheelchair accessible, and they're still lining up in the hall or the elevator to get into the dining room. I ask this government to be compassionate and do what you can for these residents.

**The Acting Speaker:** Further debate?

**Ms. Martel:** It's a pleasure for me to participate in the debate. I recognize that I am not going to finish my lead today, and I'll be back another day to do that, because I do intend to speak for an hour.

I want to begin, however, by acknowledging some of the folks who are in the gallery: Lawrence Walter, Vicki McKenna, Rozanna Haynes, Victoria Thomas, Sandra Kravets, Bernadette Lamourie, Marie Haase, Leah Payette, Carolyn Edgar and John Van Beek. All of the above, except for John, are with ONA, and five of those are registered nurses who work in long-term-care homes. I thank them very much for their commitment and their dedication and the tremendous work they do in long-term-care homes every day for the frail and elderly. John Van Beek is here, and he is representing SEIU. I thank him as well for his participation.

Before I express the serious concerns that we have with this bill, I want to reiterate that the NDP expects full, province-wide, public hearings on this bill. I said in my response to the minister's statement when he announced this bill two weeks ago, and I'll say it again,

that we expect province-wide hearings. I don't know why it took the Liberals two years to get this legislation here, two years from the first time the minister said that he was going to have this legislation, and that was in the fall of 2004. Regardless of that long delay, I certainly don't expect the government to come now and say, "We are going to have condensed hearings or shortened hearings," or "We're only going to be Toronto because we have to rush this bill through." It's not my problem if it took the Minister of Health two years to get this bill here, but I can tell you we're not going to give short shrift to a piece of legislation that, from our perspective, will not improve the quality of care for residents who live in long-term-care homes right across the province.

**1740**

We are supported in our demand for province-wide hearings by OANHSS. In their brief, which I'm sure a number of members have, they say the following: "The standing committee conduct the hearings across the province, not only at Queen's Park, given the impact of the bill on the more than 600 homes across the province as well as the residents, families and communities the homes serve and the health care professionals and staff who work in them."

OANHSS also makes the following additional important point about public hearings. It's their request that the review of Bill 140 by the standing committee—that is, the public hearings—"be deferred until at least February or March 2007 to provide reasonable opportunity for the new municipal councils to review the legislation, assess the implications for the homes they operate and provide their recommendations." I think that is a very worthy request.

I want to deal with the very serious concerns that New Democrats have with the bill. I want to say it's a pleasure for me to participate in this debate on Bill 140, which would more appropriately be named the no minimum standards for seniors bill, because that is the reality of this bill. I know the government members don't like to hear it, and don't like to hear New Democrats characterize this legislation in this way. But the matter of a mandatory minimum standard of hands-on care is absolutely essential if we are going to guarantee the frail and elderly in our long-term-care homes that they can rely on some standard of hands-on care every day. This is really the crux of the matter.

I heard the minister say, when he introduced the bill, that the bill was all about ensuring that residents of long-term-care homes are going to be treated with dignity and compassion. I have to tell you that's just nonsense. If you can't even guarantee a minimum standard of hands-on care per resident per day, then you can't assure them of dignity, you can't assure them of compassion and you can't assure that they'll get the care they really need every day in those homes. That's not a function of staff not wanting to provide that care; that's a reality because there isn't enough staff in our homes and because there isn't a standard that operators have to work to to make sure there will be the staff to ensure that the care is delivered.



I want to read into the record a promise—a very specific promise—that Dalton McGuinty made regarding standards of hands-on care per resident per day before the last election. Local 204 of the Service Employees International Union sent a questionnaire to the Premier before the last election. They asked this question: “Will your government establish a minimum number of care hours nursing home residents must receive on a daily basis? If so, what should the number of care hours be?”

Here is what Mr. McGuinty promised on June 11, 2003, when he responded to Mark Ortlieb, president of Local 204: “Yes, Ontario Liberals are committed to reinstating the standards of care for nursing homes that were removed by the Harris-Eves government, including a minimum 2.25 hours of nursing care daily and three baths a week.” That is a very specific promise that was made to a number of employees—workers in our long-term-care homes.

But it wasn't just in the questionnaire that Mr. McGuinty made the promise that he did. The Liberals also made that promise in election leaflets. I have a copy of a lovely little Liberal election leaflet right here that specifically promises the following: “Ensure residents get more personal care, including a minimum 2.25 hours of daily nursing care and three baths a week.” So it's clear that the promise Mr. McGuinty made to SEIU wasn't a one-day wonder, as much as he might like it to be now, but Liberal candidates went out in their election leaflets and reiterated that promise to residents in long-term-care homes, to their families and their friends, and to staff in those long-term-care homes as well. It doesn't get any clearer than that, in terms of the very specific promise that was made by Mr. McGuinty.

However, when I read the bill, the no minimum standards for seniors bill, do I see that provision reflected in this legislation? No, I do not. Not anywhere does the promise of reinstating a minimum standard of 2.25 hours of hands-on care per resident per day appear in this bill. That's why it's so aptly named the no minimum standards of care for seniors act.

I look at the promise about three baths a week—it's been reduced to two. Isn't it interesting that that didn't make it into the legislation either? It is true that it's in regulation, but that specific requirement didn't make its way into this bill either. If the promise of hands-on care is not in this bill, a bill which has taken two long years to get here from the time the minister first promised it, then I know that this promise by the McGuinty Liberals is never going to see the light of day, and that is completely unacceptable to New Democrats.

I want to spend some time on this critical issue of standards of hands-on care for each resident in each home. Under the NDP government, there was a regulation regarding hands-on care. That regulation stated that each resident in each long-term-care home was to receive a minimum—a minimum—of 2.25 hours of hands-on care per day. Everybody recognizes that some residents, given their state of health, given their state of well-being, will undoubtedly require more than 2.25 hours of care every day. In fact, I would argue that while

2.25 hours of care would have been acceptable 10 years ago when it was in place under New Democrats, clearly now, given the acuity of long-term-care residents, given how many more frail and elderly residents are entering long-term-care homes, their needs are even greater and of course the standard now should be much higher.

The point is, there was a regulation requiring a standard of care, and the reason for that is, if you have no standards, then some operators are always going to work to the bottom, to the worst standards, and the losers in that regard will always be the frail and elderly themselves, the very people we are supposed to protect.

Along came the Conservatives in 1995, and by 1996 the Minister of Health of the day decided that he was going to do away with that regulation regarding hands-on care. I don't know what the rationale was around that. I don't know why that government cared so little about the frail and elderly that they thought it was appropriate to remove that standard, but they did. Removal of that standard doesn't make sense now, it didn't then, and it certainly doesn't make sense that this government, through this legislation, isn't reinstating it, especially after Mr. McGuinty made such a clear promise.

But I think the real proof of the very negative consequences of not having even a minimum standard of care came in the form of a study that was done in 2001 by PricewaterhouseCoopers. That study compared the level of care being received by Ontario residents with residents of long-term-care homes in seven other jurisdictions, including Canada and the United States. Here is a copy of the summary of the PricewaterhouseCoopers study right here. I will make sure that a copy is delivered to the parliamentary assistant, who asked me to name those jurisdictions. Here's a copy of the whole report right here.

But what I really want to do first is read into the record the recommendations, because the reality is that in every category of care that was provided, Ontario residents ranked dead last in terms of the care they were receiving. Let me read into the record some of the key findings. This is by PricewaterhouseCoopers.

#### “Levels of Service—Key Findings

“The results of this study indicate that residents in Ontario long-term-care facilities receive less nursing and therapy services than similar jurisdictions with similar populations.

“Ontario LTC”—long-term-care—“residents have some significant differences in terms of their levels of depression, cognitive levels and behavioural problems which indicate higher needs for service levels to meet higher care requirements.

#### “Receipt of Nursing Services

“In addition to the findings related to lower levels of nursing service:

“The proportion of care that is provided by registered nurses in Ontario LTC ... is less than other jurisdictions”—11% less.

Let's look at “Receipt of Specific Nursing Interventions.” The PricewaterhouseCoopers study says the following:



"Restricted range of motion is an important problem in the long-term-care population. Given the high levels of those with arthritis (30%) in Ontario LTC facilities and stroke (22%)—the study uses the word "facilities"; I'm quoting directly from the study, I say to the parliamentary assistant, and I'll make sure she gets a copy of it—"passive and active range of motion is an important part of disability limitation and activation which can be provided by nursing and aide staff.

"The data indicates that 68% of Ontario LTC residents do not receive nursing rehabilitation and a further 24% receive one intervention in a seven-day period. The data further demonstrates that 67.1% of the Ontario LTC population have ROM"—restricted range of motion—"yet only 32% of this population 'in need' actually receive any range of motion exercises.

#### "Receipt of Mental Health Services

"Ontario LTC residents had the highest proportion of both mental health disturbances (61%) and problems (40%). These residents with mental health disturbances and/or problems would be considered those in need of mental health services.

"Less than 6% of Ontario LTC residents had any intervention related to evaluation or 'talk' therapies while 31% received an anti-psychotic or restraint....

"Given the high proportion of residents in Ontario LTC with cognitive problems related to Alzheimer's or a dementia (53%), this presents a high resource demand for care providers in the Ontario LTC setting.

#### "Receipt of Rehabilitation Services

"The percentage of people with rehabilitation potential based on the MDS 2.0 was reasonably similar across settings, with Ontario LTC ... at about 14%, about 10% in Saskatchewan and 5% in Manitoba.

"The service level for Ontario LTC is lower than in Manitoba (13%) and substantially lower than in Saskatchewan (38%)"—38% lower than in Saskatchewan.

These findings are shocking. They were shocking at the time they were first revealed. What was very clear is that in every category of care that was being received by residents in Ontario long-term-care homes—every category of care—Ontario residents ranked dead last, at the bottom, right at the end in terms of their comparison to other long-term-care jurisdictions as well.

In a province that is as rich as ours, that certainly is an indictment, but I think it speaks very clearly to the need to have standards of care regulated and in place, because what is clear is that without the standards, the level of care being provided to the frail and elderly declined in every category through the year of the study.

I thought it might be that study that prompted the Liberals to make the election promise they did, which was to very clearly reinstate those minimum standards of care. I, for the life of me, can't understand why, in the face of this report and its findings—a report, I want to tell you, that was paid for by the Ministry of Health as well. It is amazing to me that the government of the day wouldn't make sure that its election promise found its way back into this particular piece of legislation, the no minimum standards of care for seniors act.

The study, however, must have had some impact on at least one Liberal member, and that was the former leader of the Liberal Party, Ms. McLeod, because she had a resolution in this House on November 7, 2002, about this very matter of establishing minimum standards of care. But I think I will leave the resolution and the comments made by some of the Liberal members for another day because I'm hoping some of them will actually be in the House so I can read their comments into the record when they're here.

**The Acting Speaker:** It being quite close to 6 of the clock, this House stands adjourned until later on this evening at 6:45 p.m.

*The House adjourned at 1754.*

*Evening meeting reported in volume B.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Speaker / Président: Hon. / L'hon. Michael A. Brown

Clerk / Greffier: Claude L. DesRosiers

Deputy Clerk / Sous-greffière: Deborah Deller

Clerks-at-the-Table / Greffiers parlementaires: Todd Decker, Lisa Freedman

Sergeant-at-Arms / Sergent d'armes: Dennis Clark

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Brant	Levac, Dave (L)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
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Chatham-Kent Essex	Hoy, Pat (L)	Kitchener-Waterloo	Witmer, Elizabeth (PC)
Davenport	Ruprecht, Tony (L)	Lambton-Kent-Middlesex	Van Bommel, Maria (L)
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		Markham	Vacant
		York South–Weston / York-Sud–Weston	Vacant

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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# CONTENTS

Tuesday 17 October 2006

## MEMBERS' STATEMENTS

<b>Sudden Infant Death Syndrome Awareness Month</b>	
Mrs. Elliott.....	5519
<b>Hospital services</b>	
Mrs. Mitchell .....	5519
<b>Government's record</b>	
Ms. MacLeod.....	5519
<b>Poverty</b>	
Ms. Horwath .....	5520
<b>Teenagers in Action</b>	
Mr. Flynn.....	5520
<b>Small Business Week</b>	
Mr. Chudleigh.....	5520
<b>Medical Devices Canada</b>	
Mr. McNeely .....	5520
<b>Josh Klukie</b>	
Mr. Gravelle.....	5521
<b>Mark Wilson</b>	
Mr. Ramal.....	5521

## FIRST READINGS

<b>TransCanada Highway Improvement Act (Highway 17), 2006, Bill 149, Mr. Orazietti</b>	
Agreed to .....	5522
Mr. Orazietti .....	5522
<b>Employment Standards Amendment Act (Raising the Minimum Wage), 2006, Bill 150, Ms. DiNovo</b>	
Agreed to .....	5522
Ms. DiNovo .....	5522

## MOTIONS

<b>House sittings</b>	
Mr. Bradley.....	5522
Agreed to .....	5522

## STATEMENTS BY THE MINISTRY AND RESPONSES

<b>Youth entrepreneurship</b>	
Mr. Takhar.....	5523
Mr. Chudleigh.....	5524
Ms. DiNovo .....	5525
<b>School Bus Safety Week</b>	
Mrs. Cansfield .....	5524
Mr. O'Toole.....	5525
Mr. Tabuns.....	5525

## ORAL QUESTIONS

<b>Ontario economy</b>	
Mr. Tory.....	5526
Mr. McGuinty.....	5526
Mr. Hudak.....	5530
Ms. Pupatello .....	5530

## Unemployment

Mr. Tory.....	5527
Mr. McGuinty .....	5527

## Poverty

Mr. Hampton.....	5528, 5529
Mr. McGuinty .....	5528
Mrs. Meilleur.....	5529

## Minimum wage

Ms. DiNovo.....	5531
Mr. Peters .....	5531

## Students' Assembly

<b>on Electoral Reform</b>	
Mr. Zimmer.....	5531
Mrs. Bountrogianni .....	5531

## Education funding

Mr. Klees.....	5532
Ms. Wynne .....	5532

## Disability benefits

Mr. Prue .....	5532
Mrs. Meilleur.....	5532

## Northern education funding

Mr. Mauro .....	5533
Ms. Wynne .....	5533

## Tobacco advertising

Mr. Barrett.....	5533
Mr. Ramsay .....	5534
Mrs. Cansfield.....	5534

## Social assistance

Mr. Bisson.....	5534
Mrs. Meilleur.....	5534

## Transit funding

Mr. Sergio .....	5534
Mrs. Cansfield.....	5535

## PETITIONS

### Landfill

Mr. Sterling .....	5535
Mr. McNeely .....	5536

### Immigrants' skills

Mr. Leal.....	5535
---------------	------

### School facilities

Mr. Wilson .....	5535
------------------	------

### Property rights

Mr. Yakabuski.....	5536
--------------------	------

### Fair access to professions

Mr. Ramal.....	5536
Mr. Balkissoon .....	5538

### Highway 35

Ms. Scott .....	5536
-----------------	------

### Health care legislation

Mr. Berardinetti.....	5537
-----------------------	------

### Drug legislation

Mr. Tascona.....	5537
------------------	------

### Identity theft

Mr. Ruprecht .....	5537
--------------------	------

### Macular degeneration

Mr. Dunlop.....	5537
-----------------	------

## SECOND READINGS

<b>Long-Term Care Homes Act, 2006, Bill 140, Mr. Smitherman</b>	
Mr. Smitherman.....	5538
Ms. Smith.....	5540, 5544, 5552
Mr. Miller .....	5543
Ms. Martel .....	5543, 5552, 5554
Mr. Ramal .....	5544
Mr. Tascona .....	5544
Mrs. Witmer.....	5545, 5554
Mr. Yakabuski .....	5553
Mr. Prue.....	5553
Debate deemed adjourned.....	5556

## OTHER BUSINESS

### Visitors

Mr. Kular .....	5521
Mr. Flynn.....	5522
Mr. Sterling.....	5523

### Wearing of pins

Mrs. Elliott.....	5521
-------------------	------

## TABLE DES MATIÈRES

Mardi 17 octobre 2006

## PREMIÈRE LECTURE

<b>Loi de 2006 sur l'amélioration de l'autoroute transcanadienne (route 17), projet de loi 149, M. Orazietti</b>	
Adoptée .....	5522
<b>Loi de 2006 modifiant la Loi sur les normes d'emploi (augmentation du salaire minimum), projet de loi 150, M<sup>me</sup> DiNovo</b>	
Adoptée .....	5522

## QUESTIONS ORALES

<b>Assemblée des étudiants sur la réforme électorale</b>	
M. Zimmer.....	5531
M <sup>me</sup> Bountrogianni.....	5531

## DEUXIÈME LECTURE

<b>Loi de 2006 sur les foyers de soins de longue durée, projet de loi 140, M. Smitherman</b>	
M <sup>me</sup> Smith .....	5540
Débat présumé ajourné .....	5556



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**Assemblée législative  
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Deuxième session, 38<sup>e</sup> législature

**Official Report  
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(Hansard)**

**Journal  
des débats  
(Hansard)**

**Tuesday 17 October 2006**

**Mardi 17 octobre 2006**



Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 17 October 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 17 octobre 2006

*The House met at 1845.*

### ORDERS OF THE DAY

#### HIGHWAY TRAFFIC AMENDMENT ACT (SEAT BELTS), 2006

#### LOI DE 2006 MODIFIANT LE CODE DE LA ROUTE (CEINTURES DE SÉCURITÉ)

Mr. Bradley, on behalf of Mrs. Cansfield, moved second reading of Bill 148, An Act to amend the Highway Traffic Act respecting the use of seat belts / *Projet de loi 148, Loi modifiant le Code de la route en ce qui concerne le port de la ceinture de sécurité.*

**The Acting Speaker (Mr. Ted Arnott):** Is there any debate on this bill?

Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading?

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Mr. Speaker, I would like this bill referred to the standing committee on general government.

**The Acting Speaker:** So ordered.

#### CLEAN WATER ACT, 2006

#### LOI DE 2006 SUR L'EAU SAINE

Resuming the debate adjourned on October 10, 2006, on the motion for third reading of Bill 43, An Act to protect existing and future sources of drinking water and to make complementary and other amendments to other Acts / *Projet de loi 43, Loi visant à protéger les sources existantes et futures d'eau potable et à apporter des modifications complémentaires et autres à d'autres lois.*

**The Acting Speaker (Mr. Ted Arnott):** When we last dealt with this bill, the member for Nepean–Carleton had the floor. I return to the member for Nepean–Carleton to continue the debate.

**Ms. Lisa MacLeod (Nepean–Carleton):** I've got about five and a half minutes left of my 10 minutes. Just to recap where I was a week ago today, we were talking about the Clean Water Act and some of the consultation, and some of the public reaction to this piece of legislation throughout the summer right across Ontario from farmers and landowners who opposed the bill as it used to be and now oppose the bill as it is today. That's why we're here tonight.

Over 200 resolutions to this bill were put forward at committee stage, and now, today, we're here with a new bill, changed by the McGuinty Liberals, who realized that this was a public relations nightmare for them, especially in some of the seats they hold. The big problem, however, is that the public was never consulted on this bill as it is today, which has largely been rewritten. In fact, most stakeholder concerns were represented by the opposition parties and through their resolutions, which, save two, all failed.

This bill, largely rewritten, with its fundamental flaws and the lack of consultation, should go back to the people of Ontario. In a perfect world, there would have been more consultation. If so, I predict that we would hear many of the concerns I'm about to highlight, such as the funding flaws, expropriation and regulations.

#### 1850

I would like to talk a little bit about funding. The McGuinty Liberals tried to pull a fast one on Ontario by downloading the cost of the CWA onto municipalities. They failed. Seven hundred million dollars does not come anywhere close to meeting the costs that this bill will cost to implement. The argument that no further funding can be committed until the protection plans are drafted is ludicrous. That is the equivalent of putting aside a toonie, a whole toonie, for a new hospital until you see the tenders. There are going to be serious costs associated with this bill, and this time the government needs to take the costs of this bill seriously. I hear this constantly in my own community, where we've got a vibrant farming community, which I fear will be impacted negatively under this bill. Once again, Dalton McGuinty has proven that he will say and do anything just to be elected.

A very important issue in Nepean–Carleton is land rights and the protection of private property. There's no greater concern, which some of the landowners have in my constituency, than the expropriation clauses in this piece of legislation. The possibility of expropriation without compensation is a real concern. Many presenters at the hearings cited this portion of the bill as very troubling. The Ontario PC caucus put forward amendments that would strike any possibility of such a thing occurring. The Liberals on the other side of this Legislature voted them down. Many stakeholders remain very concerned about the implications of sections 88 and 83. Might I read section 83?

"A municipality or source protection authority may, for the purpose of implementing a source protection plan,



acquire by purchase, lease or otherwise, or, subject to the Expropriations Act, without the consent of the owner, enter upon, take and expropriate and hold any land or interest in land.”

We can go on. Section 88: “No costs, compensation or damages are owing—

*Interjections.*

**Ms. MacLeod:** They don’t want me to read this, Mr. Speaker, because they don’t want their constituents to know what they’re doing to them:

“No costs, compensation or damages are owing or payable to any person and no remedy, including but not limited to a remedy in contract, restitution, tort or trust, is available to any person in connection with anything referred to in clause (1)(a), (b), (c) or (d).”

Again, many stakeholders across this province, many of the people we are here to represent, remain very concerned about this.

I want to finally touch on, with the few minutes that I have, the regulations that are of very big concern to the farmers who are farming on the Jock River. The Clean Water Act, to them, can only be described as shell legislation, with many of the important aspects to be determined by legislation and regulation. This type of legislation cuts the general public out of the process. The Ontario PC caucus again put forward many amendments that would have better publicized any regulatory changes and would have provided the option for better public hearings around the significant regulation changes. The Liberals voted against these. Why do they seem committed on that side to cover-of-night, cloak-and-dagger legislation?

In conclusion, we have a bill that is fundamentally flawed. It is lacking in public consultation and, if it is passed, will have severe consequences right across Ontario and in my home constituency of Nepean–Carleton. Our Ontario farmers and landowners right across rural Ontario do not want to see this piece of legislation passed. I beg of the members opposite to send this piece back for consultation with the general public. I think that is the right thing to do and that’s the thing you should do, because this piece of legislation is not good for the people we are here to represent.

**The Acting Speaker:** Questions and comments? Further debate?

**Mr. Garfield Dunlop (Simcoe North):** I’m very, very pleased to be able to rise this evening and speak on Bill 43 on day four of third reading of the Clean Water Act.

It’s my understanding that we’re all here today because of recommendations made by Justice Dennis O’Connor under the Walkerton inquiry and the tragedy that happened at Walkerton. Literally a couple of hundred recommendations had to be made, which both governments wanted to see implemented across the province of Ontario, to make sure that that would never, ever happen again. I can tell you that I cannot support this bill the way it is today, and I take very seriously the

recommendations made by Justice Dennis O’Connor because I don’t ever want to see another Walkerton.

The reason I’m so disappointed in the bill is the whole issue around water source protection, and I go right back to a key landfill proposal or approval in my riding. It’s called site 41, in the county of Simcoe. It’s a landfill in the township of Tiny. It’s been going on for over 20 years. We’ve seen a number of governments in power in that time—

**Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs):** Yes, yours for eight.

**Mr. Dunlop:** Here’s the minister who could have done something about it yapping away again. She’s the one who discovered Bill 49, the Adams Mine Lake Act, and yet she yaps away as though she actually knows something about that ministry. I’m going to tell you, that is what disappoints me, that people like this heckle on an evening like tonight when we’re trying to put some points across. She heckles away like she actually knew what she was doing when she was the minister.

I can tell you, site 41—

**The Acting Speaker:** We’re just getting started tonight. I would ask the House to come to order and allow the member for Simcoe North to make his presentation.

Member for Simcoe North.

**Mr. Dunlop:** Thank you very much, Mr. Speaker. Of course, as soon as you mention anything that the previous government approved, then you get them riled up fairly quickly.

Site 41 is a landfill where, for years and years, we were told by the Ministry of the Environment that this was the perfect site. It went through a number of approvals during that period. Well, after Walkerton, when I was the elected member of Parliament, I actually visited this site. I’m going to show you something, and I don’t want to put the picture up in front of the cameras here right now, but I went to this particular site at a point in the wintertime when about four acres of land had flooded, melted all the snow, with literally hundreds of gallons of water bubbling out of a well cap that had blown off, a test well directly on the site, exactly where the garbage is going to go. This is a picture of that site. There’s the well, and literally hundreds and hundreds of gallons of water—

*Interjection.*

**The Acting Speaker:** Member for Simcoe North, please take your seat. Minister of Agriculture, please come to order.

The member for Simcoe North knows that he can’t hold up a picture, and I would ask him to keep it on his desk. I’ll return to the member for Simcoe North.

**Mr. Dunlop:** Mr. Speaker, I’m really sorry. I forgot you couldn’t show a picture of literally hundreds of gallons of water bubbling out of the ground on good agricultural land. This is a site that, although the government—and I think the former Minister of the Environment is here tonight. She’s the one who I believe approved Bill 49, the Adams Mine Lake Act. Do you remember that? That was the act that we passed in this



House so that Minister Ramsay wouldn't resign, because he didn't want that particular landfill to take place in Kirkland Lake. But every other landfill in the province didn't matter.

I'm telling you, what the government of Ontario is standing with the Minister of the Environment on—and it's a fact that the government still believes in this archaic way, this archaic design of landfills, in that they believe this upward gradient pressure of water will separate the good groundwater and the garbage. In the county of Simcoe, in the township of Tiny that I represent, we have presented literally thousands and thousands of signatures to this House on site 41. We've presented a private member's bill that parallels exactly the Adams Mine Lake Act almost word for word, because what the minister said was that if you create a hole larger than, I believe, one hectare or two hectares in size, that immediately becomes a lake if it fills up with water.

You know what? If I dug a hole—I won't show you the picture anymore—on that site right today, I would like to see anybody from the Ministry of the Environment say that if it was dug more than five feet in depth, it wouldn't fill with water. The fact of the matter is, it would fill with water, and I believe that the private member's bill that I put forward should have passed and should have been accepted by the province of Ontario. But of course, for partisan reasons, they didn't allow that to happen.

We have had experts from across the country. Dr. William Shotyk from the University of Heidelberg came forward and spoke to residents in our—

**The Acting Speaker:** I'm going to ask the Sergeant at Arms to take the poster now.

I'll return to the member for Simcoe North.

1900

**Mr. Dunlop:** Speaker, that'll make a great press release for me tomorrow, that the Sergeant at Arms took away my picture of the water bubbling out of site 41 in the county of Simcoe. That'll be a great press release, so thank you very much to the Sergeant at Arms for removing that picture of water bubbling out of the ground where this government wants to put a landfill. That's exactly what's happening.

We had Dr. William Shotyk involved in this. He is an expert in water quality across the world. He works out of the University of Heidelberg. He tells us there's no better water quality on the planet than what he's found and tested in site 41. I'm telling you that as an example.

In the 2004 Environmental Commissioner's report, Gord Miller wrote four pages on why there should be a review on this application. But what happens? This government absolutely refuses to listen to anything. The Minister of the Environment has refused to listen to anything.

I'm going to tell you there is absolutely—

**Mr. Bruce Crozier (Essex):** Garfield, who was the warden in the county?

**Mr. Dunlop:** Isn't it funny that when you talk about something the government is doing wrong they have to yell and scream and carry on?

The fact of the matter is that Walkerton has changed everything. This government should listen to the people in the township of Tiny. They should listen to the thousands of people who have put their signatures on that opposition to that particular landfill. Walkerton changed everything. That's why we have a Clean Water Act. That's why we're implementing all these recommendations made by Justice Dennis O'Connor. They refuse to listen. That's why on the opening day of the Clean Water Act, five busloads of people came to Queen's Park to demonstrate and to hold a rally to say what a mistake we are making here. We are making a terrible mistake. We're putting a landfill on top of a good aquifer.

**Mr. Crozier:** Who approved that?

**Mr. Dunlop:** There are over 300 million people in China who do not have access to good drinking water. And what do we have? We have people like Bruce Crozier over here, yapping and pretending he knows something about this issue. That is the issue: You should have turned this thing down. You should not have approved this draft design. You have no idea what you're talking about and it's a—

*Interjections.*

**The Acting Speaker:** I'd ask the House to come to order, please. The member for Simcoe North has the floor.

**Mr. Dunlop:** I feel very, very sincere about this issue. I've tried to raise this for the last five years. It's been a very difficult situation in this House. But I can tell you that although they're heckling here tonight and pretending they actually know what's going on, pretending they actually are concerned about a Clean Water Act, this is a disgrace, allowing site 41 to proceed in the township of Tiny. It is a disgrace. We're putting at risk good drinking water that's within four kilometres of one municipality, the town of Wyevalle, and the village of Elmvalle. Both of these water sources are at risk because of this government's design approval it has put forward.

I am embarrassed to say I'm a member of this House when something like this is allowed to happen, and here we are addressing something like the Ontario Clean Water Act and site 41 is allowed to proceed. But do they really care? When you look at the people from the Green Lane development, five MPPs are at risk because of that decision. They did it in a sneaky way.

I will not support Bill 43, because of the fact that this government refuses to listen to people who have real concerns about drinking water in Ontario.

**The Acting Speaker:** Questions and comments?

**Mr. Peter Kormos (Niagara Centre):** I've been listening carefully to the comments being made by members of the official opposition. I find them enlightening and a useful addition to the debate. I want it to be very clear that the New Democrats have grave concerns about Bill 43 and we will be clearly not supporting this



legislation, should it ever come to a vote here in this Legislature.

**The Acting Speaker:** The member for Simcoe North has two minutes to reply, if he chooses to do so.

**Mr. Dunlop:** I really appreciate the opportunity to have two minutes to reply to this. I think what I want to sum up with: A gentleman, Professor William Shoytk from the University of Heidelberg, came forward to the people who oppose site 41 in the county of Simcoe. He spoke and brought some very positive comments forward on the quality of drinking water in that particular area. I want to thank him for that. I want to thank all the people, like Gord Leonard and his family, the Nahuis family, Steve Ogden and his family. These are key people who have put a strong objection up to this particular approval.

Right now, the government has left site 41 in what you would call—they've given draft design approval and it's up to the county council to actually make the very final last decision whether or not they will approve it. I urge all county councillors in the county of Simcoe to admit that over the years this has been a mistake. There is no question in my mind that a mistake has been made here. That's why I'm standing here tonight, on the night we're debating the Ontario Clean Water Act. We should, in fact, turn down what would be the final decision by the county of Simcoe to proceed with this.

I'm very, very disappointed in the Ministry of the Environment. I cannot believe, in the meetings that I've attended, that they actually would put a draft design approval on this, particularly at the same time when they're asking the citizens of Ontario to buy into the Ontario Clean Water Act. They're expecting the farmers on the land adjacent to this landfill to abide by the Ontario Clean Water Act, yet the government of Ontario is about to approve a design that would allow garbage to be put into a hole 13 metres deep and deposit the landfill or garbage in that way in that thing.

I thank all members of this House for listening to me this evening.

**The Acting Speaker:** Further debate?

**Mr. John O'Toole (Durham):** I first wanted to stand for a very few minutes in the last and remaining time to state perhaps the obvious, but it's really important, on behalf of my constituents in the riding of Durham, to put on the record that even last night I spoke to a group, the Newcastle/Bond Head Ratepayers' Association. They are a number of very highly qualified, very respectable people from a variety of backgrounds, everything from a university professor to retired senior engineer types to medical doctors etc. The very first question asked after my presentation—they're a non-partisan group, and I try to represent them effectively—was from a retired leader. Francis Jose was his name, actually. He asked a question: What's with this Bill 43 and what it does to agriculture? For years their family has been involved and I would consider them to be exemplary leaders in agriculture in terms of environmental farm plans and best practices. They were concerned primarily about the process here.

That's the most relevant current comment that I could make. But even right from the beginning, our critic, the member for Haliburton–Victoria–Brock, has been exemplary in terms of being respectful of the goals. In fact, John Tory encouraged us in caucus to be supportive; everyone in Ontario wants safe, clean drinking water. That isn't even a question. What's at question here is the process by which they have attempted to achieve that laudable objective.

I sat as a member of that committee with our critic, Laurie Scott, the member for Haliburton–Victoria–Brock, and tried to make, as did Mr. Tabuns and others from the other side, a number of—as I say, you should realize that in the context of this bill—I have it here, and if I look at it here—I'm going to tell the viewers, so they have some context of what I speak. It's about 100 pages. It's in both languages, so it's about 50 pages long, a fairly important bill. But you know something? There were over 250 amendments to the bill. Entire sections were amended. It was like—

1910

*Interjection.*

**Mr. O'Toole:** One of the members is saying that it's mistakes. I'd say to you that what we had called for originally—in fact, it was our House leader, Bob Runciman, and John Tory who insisted we have public hearings. So we had public hearings. We heard repeatedly many of the same arguments from the agricultural community and from rural Ontario. I'd say in a broader sense, it wasn't just agriculture, it was rural Ontario, those people who for centuries, if you will, certainly in the last couple of hundred years, have existed in rural Ontario without the privilege of municipal drinking water systems. They've been responsible for the source of that and making sure that they don't contaminate it. Yet we have the strong arm of the government now that has, under certain sections of this bill—and I think I should really put these sections—section 79. At the risk of being repetitive and redundant, there are certain sections that are intimidating for the average citizen of Ontario.

Section 79, "Powers of entry": It's very important. Here's an agricultural family living in their community and someone drives up the driveway in a white car with that little newly design trillium logo on the door. All of a sudden they know they're in trouble. The government's here. "We're here to help you." I guess so. It's important for Hansard to record this. Here's what this section says:

"79(1) An employee or agent of a source protection authority or a person designated by a source protection authority under subsection (2) may enter property,"—here's the salient concern—"without the consent of the owner or occupier and without a warrant, if,

"(a) the entry is for the purpose of collecting information relevant to the preparation of an assessment report ...

"(b) the entry is for the purpose of collecting information relevant to the preparation of a report under..." a certain section,



“(c) the entry is for the purpose of conducting a monitoring program....”

The rights of the individual are somewhat in question here. This is what Francis Jose was alluding to. I would say the broadest concern—even the Ontario Federation of Agriculture, Ron Bonnett, initially were graphically opposed to this bill. Latterly they were bought off, some would suggest. That’s perhaps an inappropriate comment, but they decided to support the bill after \$7 million was put in, and 250 pages of amendments. Ron was appointed to some board and they finally agreed.

But I think the proof here—we were opposed to this because this bill isn’t completely and properly drafted. It’s our intention, I suppose, to vote against it. But we’ve had the hearings. They’re going to do it. The Liberals are going to ram it through. I don’t know how we’ve done it, but somehow they haven’t had to time-allocate it and, as such, it will become law. The proof will be in the execution of the bill.

But it isn’t just section 79. Quite frankly, if I look through it—I’m just going to read one more section that has been troubling to people like my constituents. It’s important to put their concerns on the record as I’m their representative. Section 83 deals with another very contentious, rather volatile issue. It’s called expropriation. I’ll read it so that I’m not inflaming the discussion here. It says as follows:

“83. A municipality or source protection authority may, for the purpose of implementing a source protection plan, acquire by purchase, lease or otherwise, or, subject to the Expropriations Act”—here’s the salient part—“without the consent of the owner, enter upon, take and expropriate and hold any land or interest in land.” There’s no subsection here exempting under certain circumstances. That’s it.

When you look at this and you say—now, let’s go to first principles here. We support the purpose of safe, clean drinking water. Who wouldn’t? John Tory was very disciplined in his instructions to us to understand that we support the goal. What we don’t support is the process. When you see this kind of language here empowering the people driving up your driveway in the white car with the newly designed trillium logo on it, you know you’re in trouble.

In fact, in my very limited time I want to refer to one other section, and that section really clearly says that you have what I call reverse onus here. The reverse onus says that if they come in and they say—here’s the language: in law, it “may cause” a problem to a source of water. What does “may” mean? That you park the tractor on a hill and the diesel could have easily rolled down whatever? Do you understand? This “may” needs to be defined. So the farmer, whom our agriculture ministry is not supporting, now has to do a risk assessment plan to protect the water that they need anyway to water their livestock. And they’re now paying another bill to some kind of agronomist or other soil scientist to prove that they didn’t intentionally, or otherwise go to court to spend another \$25,000 which they don’t have.

In conclusion, my remark is this: We understand you have a majority. Under protest, in my view, this bill will pass—under brute force, if that’s the rudest way to express it. But here’s the key: We agree with the goals, but we disagree with the process. There’s no right of appeal. There’s no support. There’s \$7 million here, and I could get into the debate on how much the implementation plan, the bureaucracy, the cars, the people, the inspectors, the authorities—furthermore, you’re ultimately downloading it to the municipalities. So it’s a good idea poorly executed; I’m not surprised.

**The Acting Speaker:** Questions and comments? Further debate?

**Mr. Robert W. Runciman (Leeds–Grenville):** I appreciate the opportunity to have a brief intervention in this debate. I think it’s very interesting, the significant concerns in rural Ontario with respect to this legislation which are being ignored by the government. I think we hear on a fairly regular basis whenever we’re debating issues that have an impact on rural Ontario, when someone might raise the name of the Lanark Landowners’ Association—and I guess they’re now called the Ontario Landowners Association, on a broader scale—the derision emanating from the Liberal benches, suggesting that these people are something to be afraid of; that these are not real Ontarians; that these are not people who have a real right to voice their concerns about what’s happening in rural Ontario, especially in terms of landowners’ rights. That certainly offends members of the Progressive Conservative Party, because—

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** Everyone has rights.

**Mr. Runciman:** Everyone has rights, obviously.

I have to say that in my riding I have a very active organization, an arm of the landowners’ association. I know most of the people involved in that organization, and they are good people. They are good people who care about what’s happening in the province, who care about what’s happening to small-town rural Ontario, and to hear them derided on a regular basis by members of the Liberal caucus is disturbing—

**Mr. Yakabuski:** Shameful.

**Mr. Runciman:** —and shameful; there’s no question about it. When people speak up on behalf of what they feel is right and what they feel is wrong, to be greeted with derision by the people who govern this province should be disturbing to all of us. It certainly is disturbing to members of this caucus. But I think it’s symptomatic of a problem within the ranks of the Liberal caucus and the Liberal Party, and that is this disdain for rural small-town Ontario. The fact that they are shoving through this legislation with their majority is another indication of that. They have a significant number of members who represent small-town rural Ontario, but they are not speaking up on behalf of the people in their own ridings who share these concerns.

1920

**Mr. Yakabuski:** They’ve been told.



**Mr. Runciman:** They've been told. They've been told when to stand up, when to sit down, when to speak—and when they're told to speak, they're given a script to abide by—and told to shut up, and they shut up. I've said this before: I think it's an indication that they've essentially written off, for the most part, small-town rural seats in Ontario. They're focusing on Toronto; they're focusing on the urban areas to maintain government. We've seen that in their budget, we've seen that in so many policies that they brought forward as a government, we see it in the makeup of their cabinet. When about 50% of the provincial cabinet is Toronto-based members of the Legislature, that speaks volumes about this government's priority, and it is not small-town rural Ontario. We saw it with their efforts to put a stop to farmers' markets in this province.

**Mr. Yakabuski:** Shut down the church suppers.

**Mr. Runciman:** Shut down church suppers and bake sales. That's the sort of thing that is the history, the heritage of rural small-town Ontario, and this government, until the opposition—and I'll give Jamie Wallace, who is the Queen's Park bureau chief for Osprey news—we raised this issue in this Legislature about farmers' markets, bake sales and church dinners, and the media in the gallery by and large ignored it, except for Jamie Wallace, who looked into the story and, through Osprey, raised the concern, raised the red flag. Then the rest of the media, not just at Queen's Park but across the province, got involved. The government reacted, as we've seen them do with this seat belt legislation, where they've reacted.

This is the sort of thing where, as I said, it's an indication of, they react to the issue of the day, but in terms of long-lasting and deep-rooted concerns with respect to rural Ontario, they've continued to ignore them because they're not getting the press attention, they're not getting the media attention, they're not impacting on their polling in Toronto, the 905 belt and in urban Ontario. They have made, I believe, a calculated decision with respect to so many of their initiatives. They've essentially written these members off, and the members, like lemmings going to the cliff, have accepted their fate, although they don't, I suspect—and we went through this with the NDP. I remember getting up and saying this to the NDP government members of the day: "Don't you guys understand where you're headed? Don't you guys understand, appreciate what's happening to your ability to get re-elected?" And of course they didn't.

I mentioned when Cam Jackson was leaving that we have an average tenure of about four to four and a half years. That's the average tenure in this place, and I don't see it changing much after the next election. We're going to see a significant turnover, and that's because members are reluctant to speak up and speak out on behalf of their constituents.

We have Mr. Murdoch sitting here tonight, and he's a prime example—

**Interjection:** Bruce-Grey-Owen Sound.

**Mr. Runciman:** —Bruce-Grey-Owen Sound—who has consistently spoken up on behalf of the people he represents, whether it goes against the party line or not—

**Mr. Crozier:** He's the only one.

**Mr. Runciman:** He is not. Mr. Kormos is sitting here, and he's lived through many years of ups and downs. I spoke out against my government—and Mr. Bradley can speak to that issue—when they purchased Suncor.

I think there are histories of a certain limited number of members of this Legislature who have spoken out and spoken up against their governments and have lived to survive another day, have lived to survive times when their parties were not terribly popular in the province of Ontario because they were speaking up on behalf of the people who put them in this place in the first instance. Regrettably, that doesn't happen on a very regular basis, and we're seeing it with respect to this legislation and the concerns in rural Ontario.

I have a terrific constituent by the name of Kim Sytsma. She's very much involved in the cattlemen's association and she has spoken out against this legislation. Kim and her family pasture 700 acres in Leeds county. She's president of Leeds Community Pasture, vice-president of the Ontario Community Pastures Association, very involved in the Eastern Breeder Cattle Co-operative program and on the Ontario Cattlemen's Association board since 2001. Kim described this legislation—she appeared at one of the hearings—"You need to stop downloading on to municipalities and you need to take ownership and responsibility over source water protection, get rid of the concept of a permit official or whatever you're planning to call it. It won't work in rural Ontario."

I don't have a lot of time, but our party tabled a significant number of amendments during the committee process, and they were rejected by this government. It's truly regrettable that they certainly wouldn't listen to our concerns. I don't know if the NDP had any of their amendments considered, let alone accepted. But the fact is, I think we put some very serious, responsible amendments, and I'll just go through a few in the limited time I have: establishing a fund that would cover all of the added costs associated with clean water; ensuring that any expropriation of land would be accompanied by fair and proper financial compensation—I have to say that is perhaps the most significant concern in rural Ontario, where they're taking out great blocks of land from farmers in this province without any kind of compensation whatsoever. That is the most offensive element of this legislation, yet the government, when we put forward an amendment to address that situation, ignored it. They turned it down and voted against it—providing municipalities with influence over this act, which was appropriate considering the majority of costs and responsibilities are being left to them; ensuring that First Nation agreements are not compromised by this act; ensuring that all regulation changes are subject to public hearings. All of those and many others were rejected by the Liberal government.



**The Acting Speaker:** Questions and comments?

**Mr. Kormos:** There's been much reference this evening to the new logo, that incredibly expensive logo, that high-priced logo, and my concern with it, amongst other things, is that it's a horrible redesign of the logo. Why we didn't go down to the college of art or Ryerson or George Brown or one of the other community colleges and exploit some of the incredible brilliance and talent among those young people, have them look at the existing design and determine whether or not indeed it could be updated boggles the mind.

Now, my colleague from Leeds–Grenville—relax, Speaker, I've only got a minute; it's not going to last long—omitted reference to the logo, but he permitted us to infer that he was speaking about it.

I just want to ask you to recall Professor Key's book, *Subliminal Seduction*. Remember that back in the 1970s? When you look at that logo, there's a joke there, because really what it is is three men in a hot tub. Now, I don't know what the designer was trying to say or whose leg he or she was trying to pull, but take a look at the logo—three men in a hot tub. It is the most absurd inside joke that's ever been played on a high-paying client like the government of Ontario that we've ever witnessed. It truly is what Professor Key warned us about in his theories that he worked on in his treatise, *Subliminal Seduction*, back in the 1970s. Why for the life of me this government could get sucked into paying so much for three men in a hot tub beats me.

1930

**The Acting Speaker:** Questions and comments related to the member for Leeds–Grenville's presentation on Bill 43?

**Mr. O'Toole:** I would be remiss if I did not get up and pay the respect due to the member from Leeds–Grenville and his exemplary commentary, specifically on rural Ontario. I think that's what has prompted me to make these observations. But he did mention the member from Bruce–Grey–Owen Sound, whom I similarly admire on how he conducts himself here, as infrequent as that might be. But quite frankly, the primary reason here is, the member from Leeds–Grenville failed to mention, and I now want to pay tribute to, a constituent from my riding who participated in the expert panel on well water sustainability in Ontario. Dr. Jane Conboy—and I'd like this name recorded in Hansard, because I intend to send this debate to her tonight—came to my office and wasn't in any way partisan, but an informed and academic expert in the area. She wants to follow through on the government's goal of safe, clean drinking water and resources appropriately located in the province so that agricultural communities, rural communities will have a place to go to learn about the science and technology behind the science of water. To me, Jane Conboy was one of the most, I would say, uninhibited, committed academics who really did believe that there was a solution of first educating people, providing a resource centre, and wanted that model replicated across the province of Ontario.

I think the member from Leeds–Grenville was getting close to that kind of approach, that we agree with safe, clean drinking water—all of us agree. What we disagree with is much of the content of Bill 43, which is going to be an encumbrance on the rural communities of Ontario.

**The Acting Speaker:** Questions and comments?

The member for Leeds–Grenville has two minutes to reply if he chooses to do so.

**Mr. Runciman:** I only touched on a few of the amendments put forward by the Progressive Conservative caucus which were rejected by the Liberal members. But we're used to that process in committees around this place, where we were told during the election there was going to be this great democratic reform and that individual members were going to play a greater role around this place. Well, like so many of the McGuinty promises, that has simply not occurred. In fact, we're seeing, I think, more iron control, if you will, of a caucus than we've seen around this place in many a year, especially with rural and small-town representatives who have failed on so many issues to stand up and speak up for the people who put them in this place in the first instance.

The House leader for the NDP talked about the logo, and I think the cost associated with it was a quarter of a million dollars for a Liberal-friendly ad agency. But of course the costs were much more significant. When you look at all the changes across the province that are impacted by this logo change, we're talking about millions of dollars. We know another Liberal ad agency that was hired, paid \$6 million to take the "O" off the Ontario Lottery and Gaming Corp.—I guess take the "C" off. They took the "C" off; \$6 million for removing the "C." You combine those two that have gone to Liberal ad agencies—the logo and removing the "C" from the lottery and gaming commission—and it's probably \$8 million, \$10 million, \$12 million. And what have they given to farmers in this province to assist them with this Clean Water Act and meeting the demands of this Clean Water Act? What is it, \$6 million, \$7 million?

**Interjection:** It's \$7 million.

**Mr. Runciman:** That's \$7 million, when they can go out and give their friends in a Liberal ad agency \$6 million to remove the "C" from the name of the gaming corporation. This is totally shameful.

**The Acting Speaker:** Further debate?

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure to add comments to the debate this evening on Bill 43, which is the supposed clean water bill. It's now in third reading. It's a bill that's basically been completely rewritten. There were over 200 amendments that were proposed. It's a bill that's really a lot about making plans, not necessarily about action. This bill creates lots of plans, as I say. It doesn't necessarily make real changes that are going to benefit the water in this province.

Certainly, I have some concerns with the bill. I have concerns about expropriation without compensation, and I have concerns about the cost to farmers and to rural



municipalities. I know the government has put forward some \$7 million, but that's really a drop in the bucket when it comes to the real costs of implementing the bill. So I do have concerns about that.

This past Friday evening, I was up in Powassan at the Ontario Federation of Agriculture annual meeting for the Parry Sound-Nipissing area, and this was one of the bills that was discussed there. I noted the comments from the president of the Ontario Federation of Agriculture when he came before the committee in the summertime. He said:

"The issue of appropriate levels of compensation has been mentioned a number of times. I think, from the farm community side, there are two aspects: (1) What is the direct cost going to be to the individual farmers affected? (2) As a general taxpayer, what is going to be the cost to rural Ontario communities?"—very good points.

He talked about flying into Toronto on a recent flight in a rainstorm and watching the effect of the rain on the rural countryside—where it was going into the soil and then percolating through, being filtered through the ground, and going through the wetlands and being purified—and that the same rainstorm, as he came into Toronto, was coming down on the streets of the city and was going into a storm sewer and directly into the lake. That is the case, in many cases, in our small towns and cities around this province.

I think the basic point is that clean water is something we all want, and the cost of it shouldn't be borne simply by people who live in rural areas or by our farmers. It should be borne by all of us, as it's going benefit all of us.

The province could learn a lot from the district municipality of Muskoka. For the last couple of days, as I usually do, I've been reading from the minutes of the last district municipality of Muskoka meeting, from the agenda of their meeting on October 10. They passed an official plan amendment, and I'll just read that:

"That official plan amendment no. 32 to the Muskoka official plan (lake system health) be adopted; and

"That staff be directed to renew discussions with the province respecting official plan amendment no. 4; and

"That the province be encouraged to initiate a program to implement appropriate phosphorus removal technologies, particularly on the Canadian Shield, and to incorporate greater septic system setback requirements into the Ontario building code."

That was just one of the motions that was moved. They also moved another one to do with a stormwater management plan, so they're taking some real, concrete action. So there's a lot of background information on official plan amendment no. 32 that the district of Muskoka has been doing a lot of work on.

I should also congratulate the Muskoka Watershed Council, which is working with the Muskoka Heritage Foundation and the district of Muskoka, and which is very concerned about water, as I think anyone who lives in Parry Sound-Muskoka is, as it's so important to our lifestyle, our economy and our quality of life. They've

done a lot of work on lake system health, and they're looking at undertaking limits to growth assessments, facilitating remedial action programs, developing a program to address stormwater, continuing the enhanced monitoring program, and continuing to develop and implement educational stewardship programs. And they're reviewing recreational water quality. They're taking a very comprehensive approach.

I think the province can learn a lot from the district of Muskoka and all the work they are doing. In fact, the province was asked to comment on this official plan amendment, and they came back and commented very specifically on lake trout lakes. I would say that they could learn from the district, in that they came back with very, very specific lake trout requirements. But really, I've found them to be negligent in terms of their end of the deal in the last number of years. I'll just quote from some of the documents where the MNR was asked to respond. It's noted that:

"Committee may also recall an earlier proposed Muskoka official plan amendment (being OPA 4—policy II lakes). This amendment has been held in abeyance since a request was forwarded to MNR from Muskoka's planning and economic development committee in March of 1994 for additional information respecting the management of these lakes and details about how a prohibition on lot creation would assist in protecting the resource. To date, this information has not been received by Muskoka." So the ministry has been negligent in not providing this information to Muskoka.

#### 1940

"Staff recommended that discussions be renewed with Ministry of Municipal Affairs and Housing staff respecting OPA 4 in an effort to develop appropriate policy that is founded in science, respectful of property rights, implementable and defensible before the Ontario Municipal Board. In the meantime, it is recommended that additional wording be inserted to clarify that the recreational water quality model does not include dissolved oxygen and other lake trout considerations."

MNR responded that they weren't happy with this amendment because of very, very specific lake trout considerations to do with dissolved oxygen, a standard that I would say is based on questionable science and is from many years ago. So I would say the Ministry of Natural Resources could do to upgrade their science.

The district municipality of Muskoka has gone through and rated pretty much every lake in the district as to the sensitivity and has based new development on whether the lakes are moderate, low or higher sensitivities. They've done a lot of work and, really, it's concrete work the that province could learn from. I say it's disappointing that the Ontario government is not doing its part to help out as much as possible. Perhaps that's because of all the cutbacks that we've seen in the Ministry of Natural Resources recently, especially as it relates to the management of fish and wildlife. We're hearing that conservation officers aren't able do their jobs, that they're having 50% of their budget cut back



just as hunting season is starting. There are increases in poaching going on.

There are rumours, certainly in our area, that the Ministry of the Environment—we're worried about this, that the Dorset research station may be cut back. That Dorset research station has been very helpful and MOE staff have been very helpful to the district municipality of Muskoka in the water work they've been doing.

I only have a couple minutes, so I do want to talk about a couple of other different related items, and that is to do with water quality in the Muskoka and Parry Sound areas. In the last couple of years, we've had a couple of instances of blue-green algae occurring for the first time ever on Three Mile Lake in the Muskoka area, and also in the Sturgeon Bay area of Georgian Bay. This is a real concern in our area and something that we need the province to assist with in terms of finding where the phosphorus buildup and the blue-green algae is coming from. So we very much need the province to do their part and come up with concrete action, versus just more plans, more bureaucratic response that doesn't necessarily make a difference in terms of real results for the people of Ontario. So that is something we'd like to see.

But in terms of the Ministry of Natural Resources, as I say, we're hearing about big cutbacks, so they aren't able to do their job properly to manage the fish and wildlife in the province. Yet, as the member for Leeds–Grenville pointed out, the government has the money to spend on a new trillium design logo. I think the actual cost of it was \$219,000. The member from Niagara Centre described it as being “three men in a hot tub.” That's the first time I've heard that description, but I thought of it as the poison ivy trillium logo. They're spending money on that, and removing the “C” from the Ontario Lottery and Gaming Corp., and spending money on government advertising when they should be putting the \$25 million back into the Ministry of Natural Resources that it needs for full funding of the fish and wildlife program, as was promised in the last election in writing to the Ontario Federation of Anglers and Hunters.

I can see I'm out of time. There were some other water-related issues I'd hoped to talk about, but that's it for tonight.

**The Acting Speaker:** Questions and comments?

**Mr. Bill Murdoch (Bruce–Grey–Owen Sound):** In the short two minutes I have here, I'd like to wrap up and congratulate the member from Muskoka on his response here in the House.

The big tragedy of this whole bill is that we've been let down by the members of the Liberal Party in rural Ontario. Obviously, they've all gone and hid. They've been told, “You've got to pass this bill and that's all there is to it.” We've been let down by the rural members in the Liberal Party in Ontario, just like the people of London have been let down by their four members. There were four members elected in London and they've let them down. I just want to be quite clear: I have a daughter who lives in London and I feel bad about this. My daughter is not represented here anymore because the

members from London, like the rural members in the Liberal caucus, have just gone to sleep on this whole thing, and that is really unfortunate. That is the crux of this whole problem.

You mentioned the \$7 million they put into it. That's nothing. They paid \$6 million for the three-men-in-a-tub logo. Maybe the Liberals are going to change their name to the three members in a tub party, if that's what they want, but that is a terrible-looking logo. It looks sick. It looks like they're sick, and maybe they are sick. I don't know. It just seems that they're having a tough time negotiating government. They just seem to be having trouble being in government, because every time something comes up, they yell across, “It's your fault.” But they've been in government for three years and they can't figure that out. They've been there for three years and they just don't know what to do. They silence their members.

One of big promises that Dalton McGuinty made was, “We're going to listen to everybody, even our backbenchers.” Well, he's forgotten all about the ones from rural Ontario and the ones from London. They have all disappeared. They don't represent anybody anymore.

**The Acting Speaker:** The member for Parry Sound–Muskoka has two minutes to respond.

**Mr. Miller:** I'm pleased to respond to the comments by the member from Bruce–Grey–Owen Sound. It gives me another two minutes to hit on a couple of other water concerns that I didn't have an opportunity to, number one being that just last weekend in the village of South River, which is in the riding of Parry Sound–Muskoka, they were under another boil-water advisory. That's where this government could be putting money into concrete actions to make a difference in our small communities, versus more plans as outlined in this Bill 43. We have many small communities like South River all across the province that need improvements to their sewage treatment plants, that need new sewage pipes, that need new water pipes. That would be money well spent, that would make a real difference and that's something I would like to see happen.

Hopefully, the plan to create regional water utilities is something that has disappeared. I note that it was an initiative the government was bringing forward. With any amount of luck, they're going to do away with it. They were planning on doing these regional water utilities. I note from the North Bay Nugget, November 2005, “Mayors United In Concern Over Regional Water Utility: City Seeks Meeting With Minister.”

“In an unprecedented city council meeting Monday, politicians representing communities from Parry Sound to West Nipissing voiced concerns about a proposal to consolidate their water systems into a larger body headquartered in North Bay.” Both Ted Knight and North Bay councillors were saying how they opposed that. I haven't heard anyone say they are in favour of that. That's another issue that, hopefully, the government is going to do away with, because it's not necessarily going to benefit anybody, it's just going to create this larger



regional authority. It's not necessarily going to make things work better or make them cheaper. With any amount of luck, that's something the government has realized was a mistake and they're going to forget about that initiative.

**The Acting Speaker:** Further debate?

Ms. Broten has moved third reading of Bill 43, An Act to protect existing and future sources of drinking water and to make complementary and other amendments to other Acts. Is it the pleasure of the House that the motion carry?

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a 30-minute bell.

I received from the chief government whip a deferral notice. This vote, third reading of Bill 43, An Act to

protect existing and future sources of drinking water and to make complementary and other amendments to other Acts, will be deferred until deferred votes on October 18, 2006, that being tomorrow.

Orders of the day.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move adjournment of the House.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry?

All those in favour of the motion will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it.

This House stands adjourned until tomorrow at 1:30 of the clock.

*The House adjourned at 1951.*

**LEGISLATIVE ASSEMBLY OF ONTARIO**  
**ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO**

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Clerk / Greffier: Claude L. DesRosiers

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Algoma-Manitoulin	<b>Brown, Hon. / L'hon. Michael A. (L)</b> Speaker / Président	Guelph-Wellington	Sandals, Liz (L)
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Brant	Levac, Dave (L)	Hastings-Frontenac-Lennox and Addington	<b>Dombrowsky, Hon. / L'hon. Leona (L)</b> Minister of Agriculture, Food and Rural Affairs / ministre de l'Agriculture, de l'Alimentation et des Affaires rurales
Bruce-Grey-Owen Sound	Murdoch, Bill (PC)	Huron-Bruce	Mitchell, Carol (L)
Cambridge	Martiniuk, Gerry (PC)	Kenora-Rainy River	Hampton, Howard (ND) Leader of the New Democratic Party / chef du Nouveau Parti démocratique
Chatham-Kent Essex	Hoy, Pat (L)	Kingston and the Islands / Kingston et les îles	<b>Gerretsen, Hon. / L'hon. John (L)</b> Minister of Municipal Affairs and Housing / ministre des Affaires municipales et du Logement
Davenport	Ruprecht, Tony (L)	Kitchener Centre / Kitchener-Centre	Milloy, John (L)
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Elgin-Middlesex-London	<b>Peters, Hon. / L'hon. Steve (L)</b> Minister of Labour / ministre du Travail	London West / London-Ouest	<b>Bentley, Hon. / L'hon. Christopher (L)</b> Minister of Training, Colleges and Universities / ministre de la Formation et des Collèges et Universités
Erie-Lincoln Essex	Hudak, Tim (PC)	London-Fanshawe	Ramal, Khalil (L)
Etobicoke Centre / Etobicoke-Centre	<b>Crozier, Bruce (L)</b> Deputy Speaker, Chair of the Committee of the Whole House / Vice-Président, Président du Comité plénier de l'Assemblée législative	Mississauga Centre / Mississauga-Centre	<b>Takhar, Hon. / L'hon. Harinder S. (L)</b> Minister of Small Business and Entrepreneurship / ministre des Petites Entreprises et de l'Entrepreneuriat
Etobicoke North / Etobicoke-Nord	<b>Cansfield, Hon. / L'hon. Donna H. (L)</b> Minister of Transportation / ministre des Transports	Mississauga East / Mississauga-Est	Fonseca, Peter (L)
Etobicoke-Lakeshore	Qaadri, Shafiq (L)	Mississauga South / Mississauga-Sud	Peterson, Tim (L)
Glengarry-Prescott-Russell	<b>Broten, Hon. / L'hon. Laurel C. (L)</b> Minister of the Environment / ministre de l'Environnement	Mississauga West / Mississauga-Ouest	Delaney, Bob (L)
	Lalonde, Jean-Marc (L)	Nepean-Carleton	MacLeod, Lisa (PC)
		Niagara Centre / Niagara-Centre	Kormos, Peter (ND)



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Nickel Belt	Martel, Shelley (ND)	Sudbury	<b>Bartolucci, Hon. / L'hon. Rick (L)</b> Minister of Northern Development and Mines / ministre du Développement du Nord et des Mines
Nipissing	Smith, Monique M. (L)	Thornhill	Racco, Mario G. (L)
Northumberland	Rinaldi, Lou (L)	Thunder Bay–Atikokan	Mauro, Bill (L)
Oak Ridges	Klees, Frank (PC)	Thunder Bay–Superior North / Thunder Bay–Superior- Nord	Gravelle, Michael (L)
Oakville	Flynn, Kevin Daniel (L)	Timiskaming–Cochrane	<b>Ramsay, Hon. / L'hon. David (L)</b> Minister of Natural Resources, minister responsible for Aboriginal Affairs / ministre des Richesses naturelles, ministre délégué aux Affaires autochtones
Oshawa	Ouellette, Jerry J. (PC)		Bisson, Gilles (ND)
Ottawa Centre / Ottawa-Centre	Patten, Richard (L)	Timmins–James Bay / Timmins-Baie James	<b>Smitherman, Hon. / L'hon. George (L)</b> Deputy Premier, Minister of Health and Long-Term Care / vice-premier ministre, ministre de la Santé et des Soins de longue durée
Ottawa South / Ottawa-Sud	<b>McGuinty, Hon. / L'hon. Dalton (L)</b> Premier and President of the Council, Minister of Research and Innovation / premier ministre et président du Conseil, ministre de la Recherche et de l'Innovation	Toronto Centre–Rosedale / Toronto-Centre–Rosedale	Tabuns, Peter (ND)
Ottawa West–Nepean / Ottawa-Ouest–Nepean	<b>Watson, Hon. / L'hon. Jim (L)</b> Minister of Health Promotion / ministre de la Promotion de la santé		Marchese, Rosario (ND)
Ottawa–Orléans	McNeely, Phil (L)		<b>Sorbara, Hon. / L'hon. Greg (L)</b> Minister of Finance, Chair of the Management Board of Cabinet / ministre des Finances, président du Conseil de gestion du gouvernement
Ottawa–Vanier	<b>Meilleur, Hon. / L'hon. Madeleine (L)</b> Minister of Community and Social Services, minister responsible for francophone affairs / ministre des Services sociaux et communautaires, ministre déléguée aux Affaires francophones	Toronto–Danforth	<b>Arnott, Ted (PC)</b> First Deputy Chair of the Committee of the Whole House / Premier Vice-Président du Comité plénier de l'Assemblée législative
Oxford	Hardeman, Ernie (PC)	Trinity–Spadina	Elliott, Christine (PC)
Parkdale–High Park	DiNovo, Cheri (ND)	Vaughan–King–Aurora	Zimmer, David (L)
Parry Sound–Muskoka	Miller, Norm (PC)		<b>Pupatello, Hon. / L'hon. Sandra (L)</b> Minister of Economic Development and Trade, minister responsible for women's issues / ministre du Développement économique et du Commerce, ministre déléguée à la Condition féminine
Perth–Middlesex	Wilkinson, John (L)	Waterloo–Wellington	<b>Duncan, Hon. / L'hon. Dwight (L)</b> Minister of Energy / ministre de l'Énergie
Peterborough	Leal, Jeff (L)		<b>Kwinter, Hon. / L'hon. Monte (L)</b> Minister of Community Safety and Correctional Services / ministre de la Sécurité communautaire et des Services correctionnels
Pickering–Ajax–Uxbridge	Arthurs, Wayne (L)	Whitby–Ajax	Munro, Julia (PC)
Prince Edward–Hastings	Parsons, Ernie (L)	Willowdale	Sergio, Mario (L)
Renfrew–Nipissing–Pembroke	Yakabuski, John (PC)	Windsor West / Windsor-Ouest	
Simcoe–Lambton	<b>Di Cocco, Hon. / L'hon. Caroline (L)</b> Minister of Culture / ministre de la Culture		
Sault Ste. Marie	Oraziotti, David (L)		
Scarborough Centre / Scarborough-Centre	Duguid, Brad (L)	Windsor–St. Clair	
Scarborough East / Scarborough-Est	<b>Chambers, Hon. / L'hon. Mary Anne V. (L)</b> Minister of Children and Youth Services / ministre des Services à l'enfance et à la jeunesse	York Centre / York-Centre	
Scarborough Southwest / Scarborough-Sud-Ouest	Berardinetti, Lorenzo (L)	York North / York-Nord	
Scarborough–Agincourt	<b>Phillips, Hon. / L'hon. Gerry (L)</b> Minister of Government Services / ministre des Services gouvernementaux	York West / York-Ouest	
Scarborough–Rouge River	Balkissoon, Bas (L)	Burlington	Vacant
Simcoe North / Simcoe-Nord	Dunlop, Garfield (PC)	Markham	Vacant
Simcoe–Grey	Wilson, Jim (PC)	York South–Weston / York-Sud–Weston	Vacant
St. Catharines	<b>Bradley, Hon. / L'hon. James J. (L)</b> Minister of Tourism, minister responsible for seniors, government House leader / ministre du Tourisme, ministre délégué aux Affaires des personnes âgées, leader parlementaire du gouvernement		
St. Paul's	<b>Bryant, Hon. / L'hon. Michael (L)</b> Attorney General / procureur général		
Stoney Creek	Mossop, Jennifer F. (L)		

A list arranged by members' surnames and including all responsibilities of each member appears in the first and last issues of each session and on the first Monday of each month.

Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

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Michael Prue, Monique M. Smith,  
Norman W. Sterling, Kathleen O.Wynne  
Clerk / Greffière: Anne Stokes



## CONTENTS

**Tuesday 17 October 2006**

### SECOND READINGS

**Highway Traffic Amendment Act  
(Seat Belts), 2006, Bill 148,  
*Mrs. Cansfield*  
Agreed to..... 5557**

**Clean Water Act, 2006, Bill 43,  
*Ms. Broten*  
Ms. MacLeod ..... 5557  
Mr. Dunlop..... 5558, 5560  
Mr. Kormos..... 5559, 5563  
Mr. O'Toole ..... 5560, 5563  
Mr. Runciman ..... 5561, 5563  
Mr. Miller..... 5563, 5565  
Mr. Murdoch ..... 5565  
Vote deferred..... 5566**

## TABLE DES MATIÈRES

**Mardi 17 octobre 2006**

### DEUXIÈME LECTURE

**Loi de 2006 modifiant le Code  
de la route (ceintures de sécurité),  
projet de loi 148, *M<sup>me</sup> Cansfield*  
Adoptée..... 5557**

**Loi de 2006 sur l'eau saine,  
projet de loi 43, *M<sup>me</sup> Broten*  
Vote différé ..... 5566**



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Deuxième session, 38<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Wednesday 18 October 2006**

**Mercredi 18 octobre 2006**



Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 18 October 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 18 octobre 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### CHICKEN FARMERS

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** The Chicken Farmers of Ontario are here today—they've brought a broiler display—to educate all of us on issues facing their industry. They're having a reception tonight, at 5 o'clock, in room 230. I invite all to come out and have some chicken, and learn a bit about Ontario's chicken farmers and the great product they produce.

They have two areas of responsibility. They ensure that Ontario chicken farmers grow sufficient amounts of safe, fresh, high-quality chicken to meet consumer needs. Secondly, they negotiate with licensed Ontario chicken processors prices to be paid to all Ontario chicken farmers by all Ontario processors.

Chicken farmers are primarily concerned about supply management, as we all know. From our side, the PC caucus has been clear from the start: We unequivocally support supply management, which is why our entire caucus signed the FarmGate5 initiative last year. Supply management is like a three-legged stool upon which the sustainability of our rural communities is perched. The three legs are: effective import controls, production controls and the ability to set price. If you take out one of those legs, the stool collapses, along with much of our rural economy.

I ask all MPPs to join me in welcoming my constituents Tom Beischlag, Jack Van Netten, and the Chicken Farmers of Ontario.

#### CHINE DRIVE PUBLIC SCHOOL

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** On Saturday, October 14, 2006, I had the pleasure of visiting Chine Drive Public School, located in my riding, as part of the celebrations surrounding their 50th anniversary. This small, beautiful school of approximately 200 pupils is located south of Kingston Road and east of Midland Avenue. It is nestled in a grove of trees on Scarborough Bluffs overlooking Lake Ontario and truly is a treasure to behold.

The school was officially opened in September 1957, although the school had previously been in operation the year before, housed in portables at that time. It was built out of a growing concern from the community for pupil

safety, as children had to previously cross the increasingly busy Kingston Road to go to school.

Chine Drive Public School is sheltered along Chine Drive, and it has offered for 50 years a safe environment in which children can learn and grow. Its curriculum focuses on the natural world and works on items such as the environment and giving greater focus to native plants, butterfly gardens, and bird and insect life. The area around the school is incredibly beautiful and is located right above the water and the bluffs.

I hope all members of this House will join me in congratulating Chine Drive Public School for their first 50 years of outstanding public education. I look forward to the next 50 years of outstanding public education from Chine Drive Public School.

#### ACCESS TO HEALTH CARE

**Mr. Frank Klees (Oak Ridges):** Last Thursday, I brought to the attention of the Premier and the Minister of Health that Lori Goldstein was in desperate need of a life-saving operation, that her doctor had been trying to accommodate that operation for more than three weeks, and that even at that point the earliest the operation could take place would be more than a week out. I appealed to the minister to meet with Lori's parents, and we're grateful that he did. I'm pleased to report to the House today that Lori had that operation this morning, that she is recovering and her family appreciates all of the efforts that were made to assist her.

What is sad about this circumstance is that for a simple 20-minute operation—it was a person in this province whose doctor said she could die any time, and yet they could not accommodate that operation in a timely manner. That this family had to come to their MPP to appeal for something to be done is fundamentally wrong. This health care system should not be working that way, and for this government to spend millions of dollars on propaganda that tells people in the province that waiting rooms are empty and that wait times are down is unconscionable.

I say to the government, withdraw your habit of spending millions on propaganda. Put it into the health care system so that people can be rightly served.

#### FOREST INDUSTRY

**Ms. Shelley Martel (Nickel Belt):** How ironic that on the same day the Minister of Northern Development and Mines was claiming all is well in northern Ontario, 140



workers at the Nairn Centre sawmill found out the mill is closing and they don't have a job. This bad news came after Domtar announced a layoff of 116 workers at the mill in Espanola. As the mill is the biggest employer in town, the news is devastating, because no one really believes that this is temporary. But these losses also follow job cuts in the Espanola woodlands operation on March 17; 75 unionized employees are out of work as a result.

These losses affect the city of greater Sudbury too. Our neighbours are losing their jobs. A majority of workers at the Nairn sawmill live in our community, in Chelmsford, Azilda and Walden. The same is true for the workers who lost their jobs in the Espanola woodlands operation in March.

The McGuinty Liberal government has been missing in action in the face of huge forestry job losses in northern Ontario. To date, the following northern communities have been hit by a paper machine, paper mill, kraft or sawmill closure: Thunder Bay, Kenora, Dryden, Hearst, Sturgeon Falls, Opasatika, Chapleau, Temagami, Kapuskasing, Longlac, Smooth Rock Falls, Timmins, Mattawa, Espanola and Nairn Centre. To date, the job loss is just under 4,000 jobs.

What will it take to get the McGuinty Liberal government to understand that its high-priced electricity policy is a job killer in northern Ontario, and how many more workers will have to lose their jobs before this government finally acts?

1340

#### ACADEMIC TESTING

**Mrs. Linda Jeffrey (Brampton Centre):** Every now and then I hear a success story in my community that I want to share with this House. This week I learned that the EQAO test scores this year for students in the Peel District School Board in grades 3, 6 and 9 rose as much as 8%. This achievement was due to a dramatically different approach to literacy and numeracy, and the results speak volumes about the success of their efforts.

Over the last year, the Peel District School Board focused on helping students achieve higher test scores by putting together an innovative strategy that they call transformational practices. This board analyzed and gathered successful teaching strategies at schools that were making the biggest difference in boosting student achievement. These best practices were packaged in a way that all schools could easily implement, and teachers were trained to employ these techniques.

An 8% increase in EQAO test scores in only one year takes considerable effort to achieve. It's clear that the Peel District School Board has found an approach that's working and has had a significant effect. This board has strategically allocated its resources to have the greatest impact on student achievement.

Congratulations to the students, the parents and, in particular, the dedicated teaching staff at the Peel District School Board for making a tremendous effort in ensuring

that our students achieve improved literacy and numeracy in the region of Peel.

#### LEGAL AID

**Mrs. Christine Elliott (Whitby-Ajax):** In June 2002, the now Attorney General stood in this House and quoted Chief Justice of Canada Beverley McLachlin from her statement: "Providing legal aid to low-income Canadians is an essential public service.... The well-being of our justice system ... and the public's confidence in it ... depend on it. If legal aid fails, justice fails."

With respect to the need to update legal tariffs in Ontario, he then added, "It's about access to justice, and our entire justice system depends on it."

It has been almost four years since the Attorney General made this statement, yet we have seen nothing but lip service and excuses from this government with respect to legal aid. They have yet to adjust the tariffs even once, and the number of people turned away at the doors has increased by 42% in less than two years.

Last week, I co-chaired a town hall meeting on justice issues in my riding of Whitby-Ajax. Not surprisingly, the main topic of discussion was the lack of funding for legal aid. The situation is particularly urgent in family law matters involving domestic violence and in child protection matters. As was noted at the meeting by legal counsel for the Durham Children's Aid Society, "The Ontarians who are ultimately deprived of justice are the children themselves. These are Ontarians who do not get a vote, but suffer because of the choices being made about allocation of funds to the justice/legal system."

Mr. Attorney General, the legal aid system is in crisis. Children's aid societies are pleading with you, Legal Aid Ontario is pleading with you, and vulnerable people all across this province are pleading with you. When are you going to take some real, substantive action?

#### COGENERATION

**Mr. David Oraziotti (Sault Ste. Marie):** I want to congratulate seven companies selected for our government's new cogeneration strategy, including Algoma Steel in Sault Ste. Marie. Contracts with the OPA for high-efficiency cogeneration plants have secured \$800 million in investment, creating 414 megawatts of power, enough for 400,000 homes. Because the McGuinty government is offering incentives for cogeneration, Algoma Steel is making a \$135-million investment in a new 70-megawatt plant, creating 200 construction jobs. It's great news. Our city's largest employer will become more efficient while increasing job security for local steelworkers.

Paul Finley, ASI's vice-president of business, said, "The long-term purchase agreement makes the economics of the project work.... It amounts to a guaranteed return on a significant capital investment and eliminates a lot of potential financial risk."

Algoma pursued this for well over a decade, but a study concluded in 1995, after five years of NDP inaction, said that the economics didn't work. Well, there's



a surprise: NDP economics don't work, and the Conservatives offered no programs to support this project.

There are environmental benefits. Armando Plastino, ASI's vice-president of operations, said, "Once the plant goes operational, we will virtually eliminate the need for flare burn-offs." This means that nearly 400 tonnes of nitrous oxide will be eliminated annually, while the equivalent coal-fired generation would produce 300,000 tonnes of greenhouse gases annually.

The McGuinty government is making huge strides in improving Ontario's energy supply. We're proud of the investment in Sault Ste. Marie.

### CHICKEN FARMERS

**Mrs. Carol Mitchell (Huron-Bruce):** It's my pleasure to rise today and welcome the Chicken Farmers of Ontario to the Legislature and to acknowledge the chicken producers. The Chicken Farmers of Ontario are responsible for representing nearly 1,100 Ontario chicken producers, a number that has remained stable over the past 10 years. That number represents one half of all chicken producers in Canada, which is over 2,800.

In 2005, Ontario produced 325 million kilograms of chicken meat, one third of the Canadian total, the majority of which was consumed domestically. Ontario's chicken industry has a farmgate value of \$521 million and is responsible for thousands of spinoff jobs in transportation, food service and retail, in both urban and rural communities.

The chicken industry in Ontario continues to grow, and in no small part because of supply management, which is a unique, successful Canadian story. Under supply management, the Chicken Farmers of Ontario have propelled this province into being the largest producer, processor and consumer of chicken in the country.

Hopefully all of the members were able to visit the special replica farm exhibit out in front of the Legislature this morning. If you were able to make it to that, you'll be able to make it to room 230 to enjoy some of the finest chicken wings and to meet and speak with the Chicken Farmers of Ontario.

I just want to say that the riding I represent is—

**The Speaker (Hon. Michael A. Brown):** Members' statements?

### LEADER OF THE OPPOSITION

**Mr. John Wilkinson (Perth-Middlesex):** I say to our friends today that, as the member from a rural riding where we're very proud of our chicken producers and their wonderful product, in this place being a chicken has a slightly more political overtone.

I want to mention to our friends that earlier today my good colleague the Minister of the Environment issued a challenge to John Tory, the transitory member for Dufferin-Peel-Wellington-Grey, to show up for this important vote, the vote on Bill 43, the Clean Water Act.

We know he's in the city, and we think that he would want to register his vote when it comes to this important

matter of safe, clean drinking water. Ontarians need to know where the many-minded leader of the official opposition is on this.

Gord Miller, Ontario's Environmental Commissioner, says that there is no question that the measures in this bill will make drinking water safer in Ontario. The Clean Water Act was a major recommendation of the Walkerton inquiry. And the Sierra Legal Defence Fund says that Ontario is leading the country in protecting drinking water.

Unfortunately, the official opposition seems to have a problem with clean water. When it comes time to stand up—this is the place where you vote. We have a vote. One would think that your responsibility is to stand in your place, and I'll be looking with great interest to see whether or not the leader of the official opposition is here.

We're proud of our bill. It is a balanced piece of legislation that draws all of us who share the same great source of drinking water to work together collaboratively. Others may be missing in action.

### VISITORS

**The Speaker (Hon. Michael A. Brown):** I'm pleased to introduce in the Speaker's gallery today the family of one of our pages, Sarah Edgerley. With us is Sarah's father, Dr. Michael Edgerley, and we are particularly pleased to have with us her grandfather Mr. William Edgerley, who is a veteran of D-Day. Please join me in welcoming them.

Also seated in the Speaker's gallery are the students of the Queen's University mentoring program. Please join me in welcoming them here with us today.

### CORRECTION OF RECORD

**Mr. John O'Toole (Durham):** On a point of order, Mr. Speaker: Yesterday, October 17, in responding to the Minister of Transportation's statement on School Bus Safety Week, I mistakenly misstated an important statistic.

To correct the record: Occupants of a school bus are 16 times less likely to be injured in a road collision than occupants in other vehicles.

I am pleased to correct the record, and thank Rick Donaldson for bringing it to my attention.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON GOVERNMENT AGENCIES

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that today the Clerk received the report on intended appointments dated October 18, 2006, of the standing committee on government agencies. Pursuant to



standing order 106(e)(9), the report is deemed to be adopted by the House.

## INTRODUCTION OF BILLS

### BUDGET MEASURES ACT, 2006 (NO. 2)

#### LOI DE 2006 SUR LES MESURES BUDGÉTAIRES (NO 2)

Mr. Sorbara moved first reading of the following bill:

Bill 151, An Act to enact various 2006 Budget measures and to enact, amend or repeal various Acts /  
Projet de loi 151, Loi édictant diverses mesures énoncées  
dans le Budget de 2006 et édictant, modifiant ou  
abrogeant diverses lois.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1352 to 1357.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Balkissoon, Bas  
Bartolucci, Rick  
Bentley, Christopher  
Berardinetti, Lorenzo  
Bountrogianni, Marie  
Bradley, James J.  
Broten, Laurel C.  
Brownell, Jim  
Bryant, Michael  
Cansfield, Donna H.  
Caplan, David  
Colle, Mike  
Crozier, Bruce  
Delaney, Bob  
Di Cocco, Caroline  
Dombrowsky, Leona

Duguid, Brad  
Duncan, Dwight  
Fonseca, Peter  
Hoy, Pat  
Jeffrey, Linda  
Kwinter, Monte  
Lalonde, Jean-Marc  
Marsales, Judy  
Matthews, Deborah  
McMeekin, Ted  
Meilleur, Madeleine  
Mitchell, Carol  
Oraziotti, David  
Parsons, Ernie  
Patten, Richard  
Peters, Steve

Phillips, Gerry  
Pupatello, Sandra  
Qaadri, Shafiq  
Ramal, Khalil  
Ramsay, David  
Ruprecht, Tony  
Sandals, Liz  
Smith, Monique  
Smitherman, George  
Sorbara, Gregory S.  
Van Bommel, Maria  
Watson, Jim  
Wilkinson, John  
Wynne, Kathleen O.  
Zimmer, David

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Amott, Ted  
Barrett, Toby  
Chudleigh, Ted  
Dunlop, Garfield  
Elliott, Christine  
Hudak, Tim

Klees, Frank  
MacLeod, Lisa  
Martiniuk, Gerry  
Miller, Norm  
Munro, Julia  
Murdoch, Bill

O'Toole, John  
Runciman, Robert W.  
Tascona, Joseph N.  
Wilson, Jim  
Witmer, Elizabeth  
Yakubski, John

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 47; the nays are 18.

**The Speaker:** I declare the motion carried.

The minister may wish to make a brief statement.

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** This is the second bill that implements a number of the progressive and

soundly thought-out measures that were contained in the budget presented by my predecessor, the Minister of Energy. I'm actually somewhat shocked that the opposition parties would be voting against a bill that provided for additional support for seniors; that provided for tax credits to strengthen business. Of course, if they want to do that, I look forward to the debate we're going to have on second and third readings. Thank you.

## MOTIONS

### PRIVATE MEMBERS' PUBLIC BUSINESS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I seek unanimous consent to put forward a motion without notice regarding private members' public business.

**The Speaker (Hon. Michael A. Brown):** Agreed? Agreed.

**Hon. Mr. Bradley:** I move that, notwithstanding standing order 96(g), notice for ballot item 55 be waived.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### CPR TRAINING IN HIGH SCHOOLS ENTRAÎNEMENT À LA RÉANIMATION CARDIO-RESPIRATOIRE DANS LES ÉCOLES SECONDAIRES

**Hon. Jim Watson (Minister of Health Promotion):** Earlier this afternoon, I was joined by a number of colleagues from both sides of the House, including my ministerial colleagues Kathleen Wynne and George Smitherman. We were honoured to join high school students in the Advanced Coronary Treatment Foundation of Canada, better known as ACT, for a reception and demonstration of lifesaving skills. I'd like to share with this House an example of why learning how to perform CPR is so important for Ontarians.

Last March, Arnie Swedler was having dinner with his wife, Sarah, at a popular Ottawa restaurant following a flight home from New York City, when he suffered a cardiac arrest. Also dining with his family that night was Ross Griffith. When he and his mother, Lise, a nurse, saw Mr. Swedler's distress, they leapt into action and performed two-person CPR on Mr. Swedler until the paramedics arrived.

Ross Griffith was among the first high school students to receive CPR training through the 1994 Ottawa pilot of the ACT Foundation high school cardiopulmonary resuscitation training program. It was the CPR training he

received through the ACT Foundation that empowered Ross to act in an emergency.

Aujourd'hui, à Queen's Park, nous avons souligné la Journée de la réanimation cardio-respiratoire en invitant des élèves d'écoles secondaires de la région, qui ont suivi la même formation que Ross Griffith, à faire la démonstration de leurs capacités.

The CPR high school program is a joint initiative between the McGuinty government and the ACT Foundation which is supported by many corporate partners, and I just want to briefly read those out to you: AstraZeneca, Bristol-Myers Squibb, Pfizer Canada, and Sanofi-Aventis; and other partners: the Trillium Foundation, Hydro One, Shoppers Drug Mart, and the Kiwanis Club of Toronto. The whole organization is chaired by Michael Cloutier, who is president of AstraZeneca.

Also joining us in the gallery—and I think she deserves special credit, because this is a program that started in Ottawa with great determination and drive by an individual. I said earlier today that when I was mayor, one of the worst fears I had was when I heard the words, "Sandra Clarke on line 1," because I knew she wanted something, and she always got what she wanted: Sandra Clarke, the executive director of the ACT Foundation.

Together, the ACT Foundation has trained more than 150,000 high school students annually with the skills and knowledge to save lives. In fact, over 600,000 students have now been trained, and CPR training through the ACT Foundation is now available in almost 60% of high schools in the province.

Almost two years ago, Premier McGuinty announced a \$650,000 grant as part of a matching funding formula with the ACT Foundation to provide the equipment to expand the CPR program to all Ontario high schools. Those of us from eastern Ontario know very well the commitment and the passion the Premier has, not only for the ACT Foundation but also for the work that is being done in high schools.

Maintenant, chaque année, les élèves de neuvième année de toutes les écoles secondaires de l'Ontario reçoivent une formation en RCR. Plus de 600 élèves du secondaire ont déjà suivi une formation en RCR dans le cadre de leur programme d'études. En plus d'apprendre à pratiquer la réanimation cardio-respiratoire, les élèves apprennent à reconnaître les signes d'un malaise cardiaque et l'importance d'appeler rapidement le service d'urgence 911. En outre, on leur montre comment ils peuvent apporter de l'aide avant l'arrivée des ambulanciers.

Our government is proud to be a partner of this award-winning program. According to an Ontario pre-hospital advanced life support study, eight in 10 cardiac arrests occur at home, and citizen CPR can improve survival rates for victims of cardiac arrest by almost four times. By empowering youth with CPR training, we are helping to increase the citizen response rate to victims of cardiac arrest around the province.

In conclusion, our government is committed to providing the support to strengthen local-level programs

that deliver opportunities which make our communities safer for our fellow citizens. As we progress in creating a sustained focus on health promotion in the province, the McGuinty government will continue to work with our partners to build a healthier, stronger and safer Ontario.

I want to thank those partners who were here today in the committee room, thank over 30 MPPs who arrived to receive a briefing and training in CPR, and my thanks to the ACT Foundation, something that we're very proud of in Ottawa and now very proud of throughout the province.

## PERSONS DAY

**Hon. Sandra Papatello (Minister of Economic Development and Trade, minister responsible for women's issues):** Today we celebrate Persons Day, the heart of Women's History Month. It's a day to commemorate the courageous women of the early 20th century who challenged the existing status of women. It's a day to salute the Famous Five—Emily Murphy, Henrietta Muir Edwards, Louise McKinney, Nellie McClung and Irene Parlyby—who refused to accept that women were lesser than men and fought for their rights over 13 long years.

It's a day to recall the historical significance of the Persons Case decision of October 18, 1929, when the British Privy Council agreed with them and ruled that Canadian women were indeed persons, despite arguments to the contrary by three consecutive Prime Ministers and the Supreme Court of Canada. With dogged determination, the Famous Five achieved the right for Canadian women to serve in the Senate. They paved the way for women to participate in all aspects of public life and contribute in a meaningful way to the economy, to society and to their communities, province and country.

Seventy-seven years later, the Persons Case decision remains a landmark victory in the struggle of Canadian women for equality. The results of this decision are everywhere. Women are leaders of major corporations; women are doctors, lawyer, plumbers, entrepreneurs; women are government representatives. StatsCan reports that more women are enrolled in university than men. And we see women blending career with parenthood, guiding the next generation with competence, confidence and compassion.

Yes, we've come a long way, and we've got a long way to go. As minister responsible for women's issues I meet women who, through no fault of their own, are unable to participate fully in society. I see many who are committed to helping them, women who work on their behalf, in the tradition of the Famous Five.

**1410**

I'm proud to say that our government has taken an important step in addressing women's safety in their homes, workplaces and communities, and in ensuring equal opportunities for education and training, particularly in high-growth areas where women are under-represented.

As we celebrate Women's History Month, all Ontarians and Canadians are called upon to recognize



women's extraordinary contributions. The theme for 2006 is Aboriginal Women: The Journey Forward.

Earlier today, I had the pleasure of awarding three aboriginal women with Leading Women, Building Communities awards. Our government created this award earlier this year to honour women for exceptional community leadership. The three women we honour today are a true inspiration to all women and in particular to aboriginal women and girls across our province. The award recipients are in the gallery today. When I mention them, it would be great if they could stand.

We had a tremendous ceremony today. Wabano lodge from Ottawa was there to open the ceremonies with a bang, literally.

Elder Lillian McGregor, a member of the Whitefish River First Nation, Birch Island, is a respected elder—

*Applause.*

**Hon. Ms. Papatello:** Thank you so much for being here today. She is a respected elder for Ontario's aboriginal healing and wellness strategy and is the elder in residence at the University of Toronto's First Nations House.

The Honourable Madam Justice Rose Boyko is here today, the first aboriginal woman—

*Applause.*

**Hon. Ms. Papatello:** Madam Justice Rose Boyko is the first aboriginal woman to be appointed to the Superior Court in Canada in 1994. She is a Tsek' ehne woman from McLeod Lake, British Columbia. We are pleased that she could be here. Madam Justice Boyko currently presides over family law, criminal and civil trials in the central east judicial region in Newmarket.

Sylvia Maracle, executive director of the Ontario Federation of Indian Friendship Centres—

*Applause.*

**Hon. Ms. Papatello:** Sylvia, it's great to have you in this House. She is from the Tyendinaga Mohawk Territories. Ms. Maracle played a key role in the design of Ontario's aboriginal healing and wellness strategy and has created programs for aboriginal peoples in health care, justice, education, cultural and economic development.

What a proud day we had today. Join me in congratulating these three award winners on their extraordinary achievements.

Mr. Speaker, you were there to join us today as well. The Persons Day decision has improved the lives of women as a group and society as a whole. Congratulations to our recipients today.

#### CPR TRAINING IN HIGH SCHOOLS

**Mr. Frank Klees (Oak Ridges):** On behalf of John Tory and the official opposition, I would like to commend the Advanced Coronary Treatment Foundation of Canada or, as it is known by its acronym, ACT, for its needed and excellent work in training high school students in CPR through their dedicated high school program.

I welcome the committed high school students who took time out of their busy schedules to come to Queen's

Park today to demonstrate their CPR skills and to help raise public awareness, especially among all members here, about the important initiative to establish the CPR program in all high schools throughout Ontario. I understand that this initiative has now reached high schools as far west as British Columbia.

The aim of ACT is to see every Canadian teenager graduate from high school with CPR skills and heart health information that they will take to their present and future families and into their communities.

Due to the generous support of local partners, a class set of 30 mannequins, manuals and teacher training is donated to all schools. Community partners include AstraZeneca, Aventis Pharma Inc., the Kiwanis Clubs of North York, Riverdale, Scarborough and Toronto, Merck Frosst Canada, the National Post newspaper, Pfizer Canada, Southam, St. John Ambulance and Subway.

I would like to take this opportunity to thank all those community partners and sponsors who are helping ACT achieve its goal of extending the CPR program to some 27,000 students across 130 high schools.

Congratulations for all you do to train our high school students in life-saving CPR techniques.

#### PERSONS DAY

**Mrs. Christine Elliott (Whitby-Ajax):** Today I'm very pleased to speak on behalf of the PC caucus to recognize Persons Day. Persons Day is a time for all of us at Queen's Park and across the province to take notice of and celebrate the contributions women have made and are making in Ontario, Canada and around the world.

It took eight years for the Famous Five—Emily Murphy, Nellie McClung, Louise McKinney, Irene Parlby and Henrietta Muir Edwards—to succeed in their quest to have women declared persons under the BNA Act, but with perseverance, they were victorious.

We sometimes forget how significantly our lives were changed on October 18, 1929, and it is important that we have times like these—times like Women's History Month, times like Persons Day—that encourage us to be grateful and humbled and awe-inspired, not only by the acknowledgement of women as persons, but also by the constant accomplishments women are achieving in business, academia, the arts, sport and even in politics.

Of course, not only are we encouraged to look back with pride, we must also look forward with ambition and courage, and one doesn't have to look far to see areas in need of attention. Today, none of the Canadian political parties is headed by a woman and not a single one of Canada's Premiers is a woman. On an international scale, the Inter-Parliamentary Union ranks countries by the number of women in their national Legislatures. For 2006, Canada ranks 44th. We can do better.

That said, it is important to move forward with a positive outlook, and I'm delighted with the commitment and enthusiasm that has been displayed on this issue. You will remember that in June of this year, all three political leaders agreed on the need to see more women



elected to the Ontario Legislature. In fact, our leader, John Tory, has unequivocally stated his support for encouraging more women to enter politics and has pledged to run no fewer than 34 women candidates in the next election. I think the challenge that remains for us, particularly in this House, is to accelerate the progress toward inclusion of women in decision-making bodies, but we also need to increase our impact on decision-making.

I have no doubt that as we continue to work together—all three political parties—we can increase the opportunities for equality for all women. I think it's important to note that I'm especially proud to be sitting alongside a number of outstanding women who have entered public life—Lisa MacLeod, Elizabeth Witmer, Laurie Scott and Julia Munro—all of whom have not only served their province, but all serve as role models to all women.

Finally, I would like to welcome and congratulate this year's award recipients: Elder Lillian McGregor, Madam Justice Rose Boyko and Sylvia Maracle. Thank you for your contributions to our communities.

**Ms. Cheri DiNovo (Parkdale–High Park):** I think it needs to be noted that most of the women in this House are the first women in their families, if they were born in Canada, to be human persons, so I am pleased to stand and speak on Persons Day.

I want to acknowledge some women. First of all, Rosemary Brown, the first woman of colour who was ever elected in Canada, in BC—NDP, of course—in 1972. Zanana Akande, the first woman of colour ever made cabinet minister in Ontario, in 1990—again, NDP. In 1996, Jenny Kwan, one of two—

*Interjections.*

**Ms. DiNovo:** Mr. Speaker, I draw your attention to the fact that women are still being shouted down by men in the House.

In 1996, Jenny Kwan, one of the first two women of Asian heritage ever elected to a Canadian Legislature, in BC—NDP. In 2003, Joan Beatty, the first aboriginal cabinet minister ever elected—NDP. And of course Agnes Macphail, the first woman ever to be elected to the House of Commons when women could first vote legally—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** I need to be able—

*Interjection.*

**The Speaker:** The Minister of Finance will come to order.

Member for Parkdale–High Park.

**Ms. DiNovo:** Mr. Speaker, I'm simply restating history. Agnes Macphail was the first woman ever to be elected to the House of Commons, in 1921, when women could first vote legally, and the first president of the Ontario CCF, later to be the Ontario NDP.

I also draw your attention to the fact that the Valiant or Famous Five were also originators of the union movement in this country, with the United Farmers of Alberta.

Finally, I have to say that the true tribute to women—

*Interjection.*

**Ms. DiNovo:** Again, Mr. Speaker, a man is shouting down a woman in the House.

1420

*Interjections.*

**The Speaker:** Order.

*Interjection.*

**The Speaker:** The Minister of Finance.

*Interjections.*

**The Speaker:** Stop the clock. Order.

*Interjections.*

We can wait.

Member for Parkdale–High Park.

**Ms. DiNovo:** Thank you, Mr. Speaker.

Finally, I'd like to say that the true tribute to these women, the Famous Five, or Valiant Five, is what we do now for women's rights in this province. I draw your attention to the fact that the McGuinty government promised in 2003 to put money into child care: \$300 million to be exact.

*Interjections.*

**Ms. DiNovo:** Again, Mr. Speaker, I ask for the opportunity to speak.

**The Speaker:** Member for Parkdale–High Park.

**Ms. DiNovo:** Again, to continue over the shouts of some of our men in the House, I'd like to say that the true tribute to women is what we do right now. Right here, in the province of Ontario, two thirds of the women who work and live on minimum wage, who can't pay the rent and feed their children, need a raise in the minimum wage to \$10 an hour. Women need child care right now. They need that \$300 million. Nine out of 10 of our children go without a child care space. So if we want to really pay a tribute to women, let's do that by acting now.

## CPR TRAINING IN HIGH SCHOOLS

**Ms. Shelley Martel (Nickel Belt):** I was pleased to participate in CPR day at Queen's Park today. A little after 10 o'clock this morning, I was given a demonstration of life-saving skills by two students from St. Joseph's College School. I want to commend Catherine Declaro and Cristina Hernandez on the skill they demonstrated in performing CPR and on their willingness, and patience, to answer questions I had about the demonstration.

I wanted to note as well that four of the school boards in Sudbury and area have agreed to participate with the Advanced Coronary Treatment Foundation to train phys. ed. teachers to train grade 9 students in CPR. The training for the phys. ed. teachers in the French boards has already occurred. It was very successful, and I know that next week, when the phys. ed. teachers for the English school boards are taught, they will do their job well. They are instrumental in ensuring that grade 9 students in our community will be appropriately taught life-saving skills.

The final point I'd like to make is that the training in our high schools occurs through the phys. ed. program in



grade 9, which is the only time that phys. ed. is mandatory. Given that CPR skills are life-saving, we should be figuring out how we amend the school curriculum so that high school students are exposed to CPR training every year, so that they can keep up their skills. I hope the Minister of Health Promotion will take up that challenge to ensure that all high school students receive this training every year so that they feel confident they can respond to an emergency.

### VISITORS

**Mr. Tony Ruprecht (Davenport):** On a point of order, Mr. Speaker: I'm delighted to introduce to this House two representatives of the government of Estonia, Halve Masakas and Jaak Laanemets, who are here to see democracy in action. They are in the east gallery.

While I'm on my feet, I'm also very happy to introduce to you a number of young women from one of the best colleges in Toronto: Loretto College. They're sitting right over there. Welcome and congratulations.

### DEFERRED VOTES

#### CLEAN WATER ACT, 2006

#### LOI DE 2006 SUR L'EAU SAINE

Deferred vote on the motion for third reading of Bill 43, An Act to protect existing and future sources of drinking water and to make complementary and other amendments to other Acts / Projet de loi 43, Loi visant à protéger les sources existantes et futures d'eau potable et à apporter des modifications complémentaires et autres à d'autres lois.

**The Speaker (Hon. Michael A. Brown):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1425 to 1430.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Balkissoon, Bas	Fonseca, Peter	Peters, Steve
Bartolucci, Rick	Gerretsen, John	Peterson, Tim
Bentley, Christopher	Hoy, Pat	Phillips, Gerry
Berardinetti, Lorenzo	Jeffrey, Linda	Pupatello, Sandra
Bountrogianni, Marie	Kwinter, Monte	Qaadri, Shafiq
Bradley, James J.	Lalonde, Jean-Marc	Ramal, Khalil
Broten, Laurel C.	Leal, Jeff	Ramsay, David
Brownell, Jim	Marsales, Judy	Ruprecht, Tony
Bryant, Michael	Matthews, Deborah	Sandals, Liz
Cansfield, Donna H.	McGuinty, Dalton	Smith, Monique
Caplan, David	McMeekin, Ted	Smitherman, George
Colle, Mike	Meilleur, Madeleine	Sorbara, Gregory S.
Crozier, Bruce	Milloy, John	Van Bommel, Maria
Delaney, Bob	Mitchell, Carol	Watson, Jim
Di Cocco, Caroline	Mossop, Jennifer F.	Wilkinson, John
Dombrowsky, Leona	Oraziotti, David	Wynne, Kathleen O.
Duguid, Brad	Parsons, Ernie	Zimmer, David
Duncan, Dwight	Patten, Richard	

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Amott, Ted	Klees, Frank	Prue, Michael
Barrett, Toby	Kormos, Peter	Runciman, Robert W.
Bisson, Gilles	MacLeod, Lisa	Scott, Laurie
Chudleigh, Ted	Marchese, Rosario	Tabuns, Peter
DiNovo, Cheri	Martel, Shelley	Tascona, Joseph N.
Dunlop, Garfield	Martiniuk, Gerry	Wilson, Jim
Elliott, Christine	Miller, Norm	Witmer, Elizabeth
Hampton, Howard	Munro, Julia	Yakabuski, John
Hardeman, Ernie	Murdoch, Bill	
Hudak, Tim	O'Toole, John	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 53; the nays are 28.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

### ORAL QUESTIONS

#### JOB CREATION

**Mr. Ted Chudleigh (Halton):** My question is for the Premier. Yesterday the Leader of the Opposition asked you yet again for the comprehensive jobs plan that this House—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Stop the clock. You may recall that the Speaker needs to be able to hear questions being put. You probably also recall that only one person is permitted to speak here at a time. The member for Halton has the floor. I would like to be able to hear his question.

**Mr. Chudleigh:** My question is for the Premier. Yesterday the Leader of the Opposition asked you yet again for the comprehensive job plan that this House unanimously requested back in December 2005. Twenty-four hours have passed, and still no response from you or your government; another 24 hours of dithering, delaying and deflecting; another 24 hours when people in St. Thomas, London, Mississauga, Guelph and Burlington are left wondering when you're going to keep your promise. When will you listen to the members of this House, Premier, and bring forward a real, comprehensive job plan?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Finance.

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I'm just not sure where my friend has been over the past three years. In fact, strong economic development has been at the heart of absolutely every measure that this government has taken over the course of the past three years. If you look at our first budget—the investments that we made in education and health care and the renewal of health care facilities right across the province. Investments in post-secondary education, which mean strong, high-paying jobs for our young people for decades to come—that was the second budget. In the third budget—the investment in roads and bridges and highways. I want to tell my friend



that over the course of the next six years, some 500,000 jobs will be created by virtue of those measures.

**Mr. Chudleigh:** It's a long way from a million jobs.

Minister of Finance, yesterday we heard the refrain, "Just think what \$314 million would do." We don't have to imagine. We already know what you do with that money: \$200 million to fire nurses and close community care access centres; millions on unnecessary logo changes; \$30 million to cancel a gas-fired power plant that would have replaced a coal-fired plant in Thunder Bay, and on and on.

Here's what the people of Ontario are thinking about: "What would happen if you took the issue seriously and had a plan to turn the economy around?" Well, just think, if the Premier brought forward a real plan and we had job growth like Saskatchewan's 3.2%—

*Interjections.*

**The Speaker:** Order.

*Interjection.*

**The Speaker:** The Minister of Energy will come to order. I won't warn him again.

The member for Halton.

**Mr. Chudleigh:** This government is sensitive about jobs, Mr. Speaker.

Just think, if the Premier brought forward a real plan and we had job growth like Saskatchewan's 3.2% last year, we could have created over 200,000 jobs in the last 12 months, never mind the three years the Premier talks about.

Minister, why won't you listen to the House and bring forward that comprehensive job program that you promised in December 2005?

**Hon. Mr. Sorbara:** Again, I'm not sure where my friend from Halton has been for the past three years. Over the course of the past three years, this economy has created over a quarter of a million jobs; 90% of those are full-time and high-paying jobs.

We have had some difficulties recently on the manufacturing side. I want to tell my friend that he could help out in this area. We are trying desperately to get a labour market partnership agreement with the federal government. Now I want to give him a number: 613-992-4211. That's the Prime Minister's number. Why don't you give him a call and invite him to come to the table and meet his obligations to the people of this province?

1440

**Mr. Chudleigh:** If memory serves me correctly, on October 2, 2003, you were elected to govern this province. When are you going to start?

Minister, you continue to look for others to blame. Your Minister of Economic Development and Trade calls it a cycle. That's an insult to the people of Ontario, and it ignores the fact that Ontario is cycling down while other provinces are cycling up. Job growth equal to BC's last year of 4% would have meant over 250,000 new jobs in Ontario. Job growth equal to Manitoba's and Newfoundland's of 1.5% would have meant nearly 100,000 jobs last year in Ontario.

Your dithering, delaying and deflecting are not a plan. Your blaming of others is not a plan. Your broken promises are not a plan. The House requested a plan last year. You promised to listen to the House. Where's the plan?

**Hon. Mr. Sorbara:** Within I think six months of being elected, we brought forward a comprehensive automobile strategy which has resulted in some \$7 billion in new investment in the most competitive industry on the entire continent. When those folks were in power, not one additional kilowatt of electrical capacity was built. So far, through the Minister of Energy's work, we've built 3,000 additional megawatts of electrical capacity.

Moments ago, that party voted against a budget bill that will provide, if passed, additional incentives for more jobs to be created in this province. I cannot believe that after sitting in that seat for three years, the member from Halton has been completely oblivious to all of this work.

#### VIOLENCE IN ENTERTAINMENT

**Mr. Robert W. Runciman (Leeds–Grenville):** I have a question for the Attorney General. Minister, in October 2000, you issued a press release calling for the former government to regulate the sale of CDs and tapes that contain violent lyrics and crack down on artists who advocate violence and hate. You even suggested bringing an injunction to stop Eminem performing in Toronto.

You've been in office for over three years. What have you done about an issue that you told people you were very concerned about five years ago, or was this just another "Say anything to get elected" ploy by the Liberals?

**Hon. Michael Bryant (Attorney General):** That's an interesting version of what happened. In fact, what happened was that an individual came to my office with some grave concerns about a matter that she felt was a hate crime. She had lodged information with the Ontario Provincial Police and asked what the next steps were. In fact, the next steps were in the hands of the Ontario Provincial Police and it was within their jurisdiction to take action.

My question was to the government of the day, what their view was on it. As I recall, their view was that Jim Flaherty felt that a concert should not take place in Toronto, which was absurd.

I say to the member that you need to get your facts right. We were ensuring that each branch of the state was doing their job. I certainly don't make any apologies for standing up at that time to hold that government's feet to the fire, and I'll continue to be proud of our record when it comes to the pursuit of equality and fighting hate crimes in Ontario.

**Mr. Runciman:** I hope this is parliamentary, Mr. Speaker: What a crock. I happen to have your press release here, Minister, if one of the pages wants to take it over. We'll see what you were saying five years ago. Can we get a page to take this over to the Attorney General?



There was a disturbing article in the Toronto Sun recently regarding DVDs that feature real home videos of violent street fights and group beatings. Police have described the videos as “graphic celebrations of street violence, gang culture, contempt for the law and anti-social behaviour.” A couple of the titles are “Ghetto Fights” and “Wildest Street Brawls.” They’re available in Ontario at 16 bucks each.

Toronto Police expert Dave Saunders—and he’s an expert in youth crime—has described the videos as “akin to promoting ... violence and sometimes horrible gang victimization” amongst youth.

Minister, do you agree that the rating of these videos should be left in the hands of the video industry, or should the responsibility lie with the Ontario Film Review Board?

**Hon. Mr. Bryant:** I think the member knows that consumer affairs and the labelling of videos are not within my portfolio. I think what the member is trying to get at is to see whether or not the Ministry of the Attorney General continues to dedicate itself to fighting hate crimes and preventing hate crimes in any way, shape or form. It was in the name of that that we established the first-ever hate crimes community working group, which has been doing its work with input from across the province for a number of months now, and we expect to have those reports out. I can assure the member that when those reports do come out, we will be implementing them.

**Mr. Runciman:** In opposition leader John Tory’s community consultations on violence affecting youth, he heard with great frequency from parents, educators and police about the concerns they have with the influence of certain aspects of pop culture on the attitude and behaviour of young people.

Another element of this, according to the Sun story, is the ease with which minors can purchase these videos. In their investigation, 15-year-olds had no difficulty making these purchases. The British Columbia government rates DVDs of this nature as adult films, which means they can only be sold in adult stores, similar to pornographic movies. Are you prepared to consider that approach in Ontario, and if not, why not?

**Hon. Mr. Bryant:** I’ll refer this to the minister responsible for consumer affairs.

**Hon. Gerry Phillips (Minister of Government Services):** I’m prepared to look at that, certainly. For many years, as you know, under the previous government and under this government, we have been relying on the industry to rate these videos. They have been closely watched to make certain that when they’re put into a store, the store is following the rules on that. If that’s not happening, we would be very much interested in looking at it. I will take your final suggestion under advisement. I’m interested in making sure that we provide proper protection for the citizens of Ontario. There also is the usual need to make certain that we don’t unnecessarily interfere in freedom of speech. But we will balance those things. I’d be happy to look at that suggestion.

## CHILDREN’S AID SOCIETIES

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Premier. I believe all members of this Legislature were deeply troubled by the tragic deaths of three-year-old Serena Campione and her one-year-old sister, Sophia, while they were under the supervision of the children’s aid society.

Given this latest tragedy, given the tragic death of young Jeffrey Baldwin and given some of the concerns working families across Ontario have raised about the capacity of our children’s aid societies to protect vulnerable children, don’t you think it’s time, Premier, that Ontario gave the Ombudsman independent oversight authority in respect of children’s aid societies so we can be assured that vulnerable children will have the independent protection and oversight they deserve?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I’m pleased to take the question. First of all, let me speak as much as I legitimately and properly can to the recent tragedy of a young mother who allegedly killed two young children.

My sympathies go out on behalf, I’m sure, of all members here to the family and friends in the community affected. I say, as well, that we are now going to allow the process to unfold. I understand that in fact there are four separate investigations underway: The coroner is conducting an investigation; the police, of course, are investigating this matter, as well they should; the Ontario’s child death review committee is also conducting an investigation; and the children’s aid society involved is now hiring an external investigator. I think when it comes to that particular circumstance, it’s important that we allow those investigations to play themselves out.

**Mr. Hampton:** Unfortunately, these things are all happening after the fact. When Jeffrey Baldwin died, the local CAS called it, “A collective blind spot for child welfare agencies and the courts.”

Well, there is someone in the province of Ontario whose job is to investigate collective blind spots and improve government services for everyone. It’s called the Ombudsman of Ontario. For over a year, Ontario’s Ombudsman has asked your government for independent oversight authority in respect of children’s aid societies. Eight other provinces have legislated independent oversight of children’s aid societies.

My question is this: Why, under the McGuinty government, is Ontario so far behind? Why is the McGuinty government so opposed to giving Ontario’s very credible and respected Ombudsman independent oversight authority in respect of the activities of children’s aid societies?

1450

**Hon. Mr. McGuinty:** The leader of the NDP will know that in fact we have made changes to the Child and Family Services Act through Bill 210, to be proclaimed, I believe, in November. He also knows that we have in fact given independent, objective, arm’s-length oversight to the Child and Family Services Review Board. He knows



that. What he's saying is that that's not good enough and his preference is that the Ombudsman be given that responsibility, and I disagree with him on that. The leader of the NDP also knows that the Ombudsman can at any time decide that he wants to investigate children's aid societies, generally speaking.

We have decided, as a government, that we agree entirely with the Ombudsman to the extent that there should be neutral, third party oversight of the children's aid societies, but we have decided to give that responsibility to the Child and Family Services Review Board.

**Mr. Hampton:** Premier, you know that your Child and Family Services Review Board is a part-time board, it's not independent, it reports to the ministry, and many of the people who are appointed there have no expertise, no credibility in this area whatsoever. The board simply doesn't have the knowledge or the experience to be able to address some of these complex issues.

Jane Ogden, David Witzel, Lisa Diamond, Kris Shmeel and Samuel Fragomeni are parents who have written, asking that the Ombudsman be able to look into children's aid society activities, address systemic problems and protect vulnerable children. Jeffrey Baldwin, Randal Dooley and now Serena and Sophia Campione are children who have died under the supervision of children's aid societies.

**The Speaker (Hon. Michael A. Brown):** Question?

**Mr. Hampton:** It seems to me the Ombudsman makes a very thoughtful and reasonable case. There are obviously some very serious problems. Why are you so opposed to giving the Ombudsman's office, somebody who has expertise—

**The Speaker:** The question has been asked. Premier?

**Hon. Mr. McGuinty:** I want to correct the record, because a moment ago I said that the Ombudsman can investigate children's aid societies generally, and he cannot. But he does have oversight over the Child and Family Services Review Board.

There is likely going to be a coroner's inquest resulting from this particular tragedy. Of course, there is going to be a police investigation and possibly charges flowing from that. We've made a decision that it is in fact very important that we have an independent, arm's-length third party with authority to review the children's aid societies on an ongoing basis. We've given that responsibility to the Child and Family Services Review Board. Decisions coming from that board can go up to the Ombudsman, so ultimately he in fact does have oversight over these kinds of issues.

## HOSPITAL SERVICES

**Mr. Howard Hampton (Kenora-Rainy River):** To the Premier: For days we have asked you to stop wasting millions of dollars of public money on your self-serving television ads that promote your government, because these ads certainly don't reflect the reality of what is happening in our hospital emergency rooms. Dr. John Carter works at Grand River Hospital in Kitchener. He

says there are no emergency room doctors scheduled to work several critical overnight shifts for the rest of October. Without an emergency room doctor, the emergency room will have to shut down.

Premier, the situation at the Grand River Hospital emergency room is not getting better, it is getting much worse and your self-serving television ads, which waste millions of dollars of public money, are not going to make a difference. When are you going to drop the self-serving ads and come up with a real plan to fix the problems in our hospital emergency rooms?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** First of all, I want to take this opportunity to thank not only Dr. Carter but all of the physicians and nurses who have responded to the call, who are performing heroically in order to ensure that there is coverage available at that emergency room at the Grand River Hospital. Without their support on the ground, we simply could not manage.

Let me also say to the leader of the NDP that we are, in fact, working with the physician and nurse community to ensure we can maintain such coverage on an ongoing basis. In the supplementary, I will be delighted to speak to this notion of what kind of good information is being made available to Ontarians through our advertising.

**Mr. Hampton:** Dr. Carter and his colleagues work full time at nearby St. Mary's hospital, and then they work as many night shifts as they can to keep the Grand River Hospital emergency room open. These local doctors care about their community and they want to keep the hospital emergency room open, but they can't sustain many more of these marathon night shifts. Dr. Carter says, "I'm at the end of my rope. It's a matter of days and weeks how much longer people are willing to keep bailing out a sinking ship."

Premier, your so-called investigator, Tom Closson, hasn't even met with these doctors yet, and the emergency room could easily close again before the end of October. This is a problem that requires immediate attention, and it requires a plan. It doesn't need more millions of dollars of public money wasted on your self-serving television ads. When are we going to see a plan instead of more propaganda?

**Hon. Mr. McGuinty:** Let me speak to the notion of the ads which inform Ontarians about the wait times website. The leader of the NDP may feel that it is of no particular use to him, but so far, 1.65 million Ontarians have visited that website. If you visit that website, you will find out on the first page that they'll give you a good sense of what's been happening to wait times for cancer surgeries, angiography, angioplasty, bypass surgeries, hip replacement surgeries, knee replacement surgeries, cataract surgeries, MRIs and CTs.

But more than that, if you punch in the procedure in which you have an interest, as well as the name of your community—for example, I punched in "Orangeville" and "cataract"—it tells you exactly what the wait times are in that particular community. More than that, you can also punch in, "I want the 10 fastest wait times at hos-



pitals throughout the province of Ontario,” which many Ontarians are doing, because that gives them a good choice—

**The Speaker (Hon. Michael A. Brown):** Thank you, Premier. Final supplementary.

**Mr. Hampton:** This is interesting. We’ve got hospital emergency rooms on the verge of shutdown, and the Premier wants to talk about cataracts in Orangeville.

Kitchener–Waterloo is the tip of the hospital emergency room iceberg. Emergency rooms in hospitals across this province are facing difficulty. If you want to talk about wait times, people are waiting seven, eight, nine, 10 hours, in urgent cases. In Sault Ste. Marie, hospital administrators say that emergency room physician coverage is fragile. Emergency rooms in Sudbury, Ottawa and Niagara are overcrowded because the shortage of long-term-care beds clogs up hospital beds, which clogs up the emergency room. Two weeks ago, Hamilton Health Sciences Centre was forced to call off surgeries.

I say again, Premier: Manitoba saw the problem coming. They developed a plan, not self-serving advertising. When are we going to see the McGuinty government’s plan instead of more propaganda?

**Hon. Mr. McGuinty:** The causes of our emergency room challenges are well known, and the leader of the NDP might take a long, hard look in the mirror to discover the source of some of those challenges. He will know that they cut—he doesn’t like to hear this—medical school spaces by 13%. We’re growing them by 23%. The Conservative government shut some 28 hospitals, eliminating thousands of beds. We have close to 2,000 new beds under construction.

1500

The other thing that we need to do, of course, is to invest in community-based care. What we’re doing here, in addition to investing in 49 new community health centres and 150 new family health teams—we’ve also found home care for 71,000 more Ontarians.

I’m just not nearly as pessimistic as the leader of the NDP when it comes to ensuring we maintain coverage in our emergency rooms. We will continue to work with our doctors and with our nurses so we can continue to provide that coverage.

## TOURISM

**Mr. Ted Arnott (Waterloo–Wellington):** My question is for the Minister of Tourism. Ontario’s tourism industry directly employs more than 213,000 people. Thousands of these jobs are in jeopardy, in part because of the McGuinty Liberal government’s unwillingness to support the tourism industry. Even the Toronto Star agrees. In their editorial last Saturday condemning the self-serving, partisan, multi-million-dollar taxpayer-funded Liberal TV ads, the Star said that, in contrast, tourism advertising “fulfills a public service.”

I know someone else in this House who agrees—or used to—when he said, in June 2003, and I’m quoting from Hansard, that “using taxpayers’ dollars to promote

government policies, to congratulate itself because of policies and positions that it’s taken, is simply not acceptable,” or when he criticized what he called “a virtual orgy of self-congratulatory, blatantly partisan advertising,” or when he advocated for the Preventing Partisan Advertising Act as his private member’s bill three years ago.

Does the minister recall who made these statements, and does he still agree with what he said in 2003?

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I don’t know how that fits the portfolio, but let me talk about the advertising in the ministry.

My good friend from Niagara had a great photograph on the back—oh, you’re not supposed to use that—of that particular document.

What I want to say to him is that in the field of advertising to lure people to come to this province, we are involved in many programs, not only in the province of Ontario, designed to keep people in Ontario, but also trying to lure our American friends across the border again. That has been a major challenge, as he would know. We have some special programs in the state of Michigan and the state of New York going on at this time. We made a new effort in the province of Quebec to bring people from the province of Quebec to Ontario, a market that perhaps had been neglected the way it shouldn’t be neglected. We will continue to work with the private sector through the Ontario Tourism Marketing Partnership Corp. to ensure that we have the kind of promotional marketing—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary.

**Mr. Arnott:** The minister ignored the substance of my question yet again, and in doing so, he ignores the plight of the tourism industry yet again.

Any fair-minded person who knows anything about politics knows that the singular motive of these expensive TV ads is to attempt to create a feel-good impression amongst voters that things are going well, that they should feel grateful to the Liberal Party and that they should vote for them in a year’s time. As such, they are blatantly partisan.

Given the fact that this government has budgeted tens of millions of dollars for advertising in this way, they could put a fraction of that money into enhancing the tourism advertising budget, doing targeted advertisements in our key American markets, inviting tourists to Ontario and reminding them that they don’t need a passport to visit us this fall. Will the minister do this and will he stand up for Ontario’s tourism industry?

**Hon. Mr. Bradley:** Let me tell you that we are doing all of these things. But I’ll tell you how you can stand up, you members of the Conservative caucus. The federal government just cancelled a program, which was a GST rebate for tourists coming to the province of Ontario. Today, that was condemned by all the major tourist organizations and coalitions in Canada. In addition to that, they had money within the Canadian Tourism Com-



mission that was already available to promote Canada. They refused to do that and decided they would take that out. They decided that they would cut funding to the small museums in many of the communities that you represent that draw people to the province of Ontario and keep people here in the province of Ontario.

I've written to the federal minister at least three times asking the federal minister, would he please convene a meeting of all the tourism ministers in Canada. He has, to this point in time, not agreed. I ask you to speak to your federal friends in Ottawa and stand up for Ontario.

### WATER QUALITY

**Mr. Peter Tabuns (Toronto-Danforth):** My question is for the Premier. The McGuinty government's big pipe fiasco makes a mockery of your Clean Water Act as it continues to threaten source waters, the Oak Ridges moraine and Lake Ontario itself. Now, in apparent contravention of the Environmental Assessment Act, York region has approved the awarding of almost \$96 million in big pipe contracts associated with the end of that big pipe: the Duffins Creek water pollution control plant. That's prior to public comment being completed, that's prior to the time allotted for bump-up requests and that's prior to provincial approval. Premier, what does the region of York know about your pending decision on this file, about your pending decision on this stage of the big pipe EA, that others don't?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'll refer this to the Minister of the Environment.

**Hon. Laurel C. Broten (Minister of the Environment):** I'm pleased to have a chance to talk today about the steps that this government is taking to ensure that we deliver safe, clean drinking water to the people of Ontario, starting with the implementation of the Clean Water Act, which passed today in this House despite opposition from both opposition parties. I can say that we have to celebrate our successes in this province because we've turned away from the days of Walkerton, when drinking water was not provided in a safe, clean and plentiful way. Most recently, the Sierra Legal Defence Fund completed its analysis of all Canadian provinces' water legislation, and do you know where Ontario ranked? Ontario ranked number one. We are delivering program after program to ensure that we inspect, that we protect, that we ensure that that water is safe, clean and plentiful for future generations. We are taking steps—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister. Supplementary?

**Mr. Tabuns:** It's clear that the Minister of the Environment's record on not answering questions continues unbroken. The big pipe will continue to take water out of the surrounding ecosystem forever. Between 25% and 30% of the big pipe's volume will be clean drinking water. That's thanks to the McGuinty government's refusal to stand up to York region and the developers.

Now York region is prejudging the outcome of your environmental assessment of the Duffins Creek water

pollution control plant. It's throwing your ability to uphold the provisions of the Environmental Assessment Act and the integrity of this assessment into serious doubt.

It would be really nice to have an answer that addresses the question, Minister. Will you maintain the integrity of the EA process and show Ontarians you're serious about Lake Ontario waters? Will you issue a part II order and bump-up of the EA for the proposed expansion of the Duffins Creek water pollution control plant?

**Hon. Ms. Broten:** I think the member opposite has to examine his own decisions and determine whether he's in favour of clean water for Ontario or not, because the work that's being undertaken in the York-Durham community is as a result of the medical officer of health, who has said that sewage could back up into homes and businesses and that the long-approved growth plan is straining the existing sewage system. That work is being undertaken in York region. We will continue to scrutinize every single one of the region's activities to ensure that the many conditions that have been imposed on this environmental assessment will be abided by. The Ministry of the Environment is closely watching what is taking place in that part of the province because it is our goal and our obligation to ensure that every single Ontarian has safe, clean drinking water, and that's what we're going to do.

### ACCESS TO HEALTH CARE

**Mrs. Carol Mitchell (Huron-Bruce):** My question is for the Minister of Health and Long-Term Care. Minister, as part of this government's continued efforts to provide the very best health care to this province, you have announced the creation of several family health teams in rural communities. As a member from a large rural riding that is comprised of small communities, these family health teams are a very innovative idea for delivering the best health care to those not within close proximity of urban medical centres. How will these changes assist ridings such as Huron-Bruce in delivering the very best health care that Ontarians have come to expect?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** It's a real privilege to work alongside the member from Huron-Bruce and to have had the chance, over the course of the summer, to have spent a good bit of time, although not enough for my liking, in her riding. It was probably too much for her liking, though, if we're honest.

1510

I think that one of the features of our government is the family health team initiative, which already holds a good degree of result and a lot more promise too. Ninety-one thousand patients across the province of Ontario who did not previously enjoy access to a primary care physician or a group of health care practitioners now do. In Huron-Bruce, that's 1,473 people who did not previously have access to a doctor, nearly 1,000 of them in Goderich alone.



The point is that these four teams which are coming to life at present, and some others that we've announced, are going to be able quite soon, as time moves on, to enhance the quality of care for people in that area. We know that access to health care in small communities is one of the lifebloods of those communities. Accordingly, we're very proud to be making these signature investments all across the landscape in rural Ontario.

**Mrs. Mitchell:** Minister, family health teams are certainly a step in the right direction, but my constituents are very concerned about the number of family doctors who are working. As you've mentioned before in the House, cuts to medical school spaces in the 1990s have placed Ontario in a very difficult position. This lack of foresight has put undue pressure on our health care system, and it's Ontarians who are paying the price.

Minister, yesterday in the House I talked about your plan to have a new group of doctors in the form of medical school residents working in our emergency rooms. What else is being done to address the doctor shortage in my riding and across the province?

**Hon. Mr. Smitherman:** As was noted in the House, the good people of Hanover and area who rely on the hospital had access to their hospital on the long weekend because of the actions of a medical resident, a doctor who is referred to as a PGY3, someone who already has a significant degree of training and has lent their assistance to benefit the people of Ontario. This is one example of the measures that we're involved in to grow the field, to grow the number of doctors who can be engaged in providing care in emergency rooms.

In addition is the celebrated initiative related to the growth and size of our medical schools, and bringing those satellite medical schools to places like Kitchener-Waterloo, Windsor and others and, at the same time, taking better advantage of our foreign-trained doctors.

I'm pleased to say to the honourable member that in the case of her local health integration network, known as the Southwest, at present a further 61 international medical graduates are working there. These are examples of the work that we're doing to grow the number of doctors overall. In the last five years, growth in doctors has resulted in 1,283 of them additionally on the front line in Ontario. We're working vigorously to make up the time that was lost on their watch.

#### HYDRO RATES

**Mr. John Yakubuski (Renfrew-Nipissing-Pembroke):** My question is for the Minister of Energy. The other day you announced through the OPA that Ontario had signed contracts for seven cogeneration projects, providing 414 megawatts. What you did not tell us, and what you have not told us, is the price of the power from these projects. Minister, with jobs being lost in McGuinty's Ontario in record numbers, the price of electricity is of paramount importance to Ontario's economy. Will you provide for the people of Ontario the pricing details of these contracts?

**Hon. Dwight Duncan (Minister of Energy):** If the member goes on the IESO's website, he'll find that the industrial price of electricity is lower today than when we took office three years ago. I would further suggest that he look at the whole range of prices; whether you're talking about the regulated price plan, whether you're talking about the individual contracts, these megawatts will be a small component of the overall price of electricity. We're pleased with the progress we're making on the industrial price of electricity. Those numbers are posted on a five-minute basis on the IESO's website. It would be well worth the member's time to go and look at that every day to see precisely what the price is. We're confident, because we have brought on more supply and because our conservation initiatives are having such a positive effect, that the price of electricity will continue to stay below where it was when we took office three years ago.

**Mr. Yakubuski:** Of course we can look at the spot price on any given day, and it might be good or it might not be good. But you promised transparency. You promised transparency, Minister, and what we get from you and your Premier is backroom deals with the Premier's friends for millions of dollars of worthless re-branding ads, but we need some clarification and we need some disclosure. It's my understanding that the RFP was for 1,000 megawatts of power, and you basically accepted every proposal that came back to you. So there's no really competitive process there. I think it is important for the people to know. If you're planning to invest in Ontario in the future, you need to know where the price of power might be going. You have a responsibility to tell the people of Ontario what the price of power involved in these contracts is. Will you do that, Minister?

**Hon. Mr. Duncan:** Based on the latest full year of gas price data—I don't know if the member understands how this works, but the price of natural gas really impacts on the price of electricity. Based on the prices for last year, it would have resulted in a full-year average of 10.6 cents per kilowatt hour on those specific projects. During the critical summer period, the average price for the seven projects would have been 8.3 cents per kilowatt hour. I remind the member that the industrial price of electricity is lower than when we took office.

What we're having trouble understanding is, where do you stand? What are you going to do? Are you going to close these projects? Are you not going to proceed on the Niagara tunnel project? Are you not going to bring on more supply?

**Mr. Yakubuski:** Answer the damn question, Dwight.  
*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. Member for Renfrew, I need you to withdraw the comment.

**Mr. Yakubuski:** I withdraw. What did I say?

**Hon. Mr. Duncan:** That party's leader says he's going to contract for more private power, so why would he be opposed to this? That party says there are too many



agencies, but when they ask Mr. Tory what he would cancel, he doesn't know.

This government has an energy plan. It's working. Prices are lower now than they were three years ago. That's why you're over there and we're over here, and we're going to stay here for the next four years.

#### OCCUPATIONAL HEALTH AND SAFETY

**Mr. Peter Kormos (Niagara Centre):** A question to the Minister of Labour: On March 28, you promised to take action on independent operators who opt out of workplace safety insurance premiums. You said that Ontario was threatened by a growing underground economy in construction and that workers' health and safety wasn't being protected. You announced 90 days of consultation on a plan, and that was 231 days ago. Where's the plan?

**Hon. Steve Peters (Minister of Labour):** I thank the member for the question. The underground economy is something that every one of us in this House should be extremely concerned about. It's estimated that we lose an average of \$2 billion a year to that economy in this province. That's why we've moved forward on a number of initiatives, including developing better partnerships between the Ministry of Finance, the Canada Customs and Revenue Agency and the WSIB to look at what steps we can take to better enhance and collect those monies that are owing to the province.

This is a comprehensive report that was completed. It's an issue where there certainly are different opinions on both sides. The report has been completed, it is being reviewed by the Ministry of Labour, and I look forward in the not-too-distant future to announcing the direction that the government will be going in.

**Mr. Kormos:** You said that you were going to take quick action. But 231 days after your 90-day consultation period, you've got nothing to say.

As much as a third of Ontario's construction sector is in the underground economy. Let me tell you what workers are saying. They're worried that you've caved in to the pressure from business interests that want you to ignore workers' health and safety and maintain the status quo. Are you going to extend mandatory workplace safety and insurance coverage so it actually protects everyone in construction, or are you going to cave in to the pressure from the business interests?

**Hon. Mr. Peters:** Again, I thank the member for the question. I'm very proud of the record we have in place when it comes to inspections within the province of Ontario. We made a commitment to hire an additional 200 inspectors. We saw the number of inspectors in this province slide to a disastrously low level. We realize that inspection is extremely important, and we made that commitment to hire an additional 200 inspectors. Over 180 of them are in place, the vast majority of them dedicated to the construction sector.

1520

As well, as I said earlier, this is a very comprehensive report that has been completed. It's an issue that is going

to take time to ensure that proper consideration is being given by the government. We're going to ensure that that happens. The honourable member can comment as he wishes, and offer up his opinions.

I want to thank those who participated in the process. There were a number of divergent views put forward—

**The Speaker (Hon. Michael A. Brown):** Thank you.

#### AUTOMOTIVE INDUSTRY

**Mr. Bruce Crozier (Essex):** My question is for the Minister of Economic Development and Trade. Minister, recently, the federal government announced an environmental plan, and subsequently there was some speculation that tough new auto emission standards would be imposed on the auto sector as part of this plan.

Minister, as you and I well know, the auto sector is the heart of the Ontario economy and is a major industry in the Windsor and Essex areas. Can you please comment on the federal plan and where our government stands on this issue?

**Hon. Sandra Pupatello (Minister of Economic Development and Trade, minister responsible for women's issues):** I'm very pleased to respond to the member from Essex, who is a huge supporter of the automotive industry and knows full well its impact both on the manufacturing sector generally and on the Canadian economy.

Let me say this: Our Premier has made it very clear to the federal government, as have I in my meetings with them, that Ontario is prepared to do its part in terms of what we need to contribute for decreases in emissions. But the truth is that we don't anticipate that the federal government would come and put more on Ontario than it would any other province, or in fact any other specific sector.

The real question here is what support we have, and our members opposite want to laugh at this issue, but in fact, this is a huge issue if the federal government doesn't land in the right way in terms of standards on emissions. The leader of the NDP does not answer the question, where is he on gas emissions on the auto sector? I expect an answer. I want to know where the NDP lands on this. And I need them to call off—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary.

**Mr. Crozier:** I'm pleased that our government has taken a clear position on this plan. Not only is the NDP not concerned about protecting jobs here in Ontario, but the members of John Tory's caucus have come out and called our auto investments wrong-headed. Minister, are we the only party concerned about protecting our auto industry and the thousands that it employs?

*Interjections.*

**The Speaker:** Order. I need to be able to hear the minister.

**Hon. Ms. Pupatello:** I think the member from Essex is absolutely correct. Both parties, in fact, have been very unsupportive of our manoeuvres with the auto sector to



land \$7 billion of investment in this province, something the last government was unable to do. And while they claim to support the industry, the truth is that when we say, "Make the phone call and tell your Ottawa buddies to stop laying on the auto sector, because it has a huge impact on our industries here in Ontario," we expect you to pick up the phone. And to the NDP, we expect you to pick up the phone to your NDP friends in Ottawa and tell them to stop harping on these issues that involve the auto sector. If you truly think that our economy is in such great shape, stop asking your manufacturing questions. You can't have it both ways. Either you support the auto industry or you don't, and I'd like to know where both of those opposition parties are.

#### ASSISTANCE TO THE DISABLED

**Mr. Gerry Martiniuk (Cambridge):** My question is to the Minister of Community and Social Services. Madam Minister, I'd like to ask you today about the long-suffering disabled people of our province. I know you would agree that our most vulnerable citizens deserve the support of all members of our Legislature. Unfortunately, your ministry puts the disabled through hoops when applying for the Ontario disability support program, according to the Ombudsman. Stalling and delaying disabled benefits is no way to save money. And if that were not bad enough, your ministry rides roughshod over the needs of the disabled for special diet allowances. Lastly, I've received numerous complaints that the McGuinty government refuses to pay an amount of benefits that would permit the disabled to live better than a subsistence level.

I ask you, when are you and Premier McGuinty going to recognize the real needs of the disabled community in Ontario?

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for francophone affairs):** I want to thank my colleague from the opposition party for his question. Yes, I was shocked to hear the question from the opposition—this party. I'm going to tell you that we're very concerned about those who are disabled and those who need support from our government, from our ministry.

When we came into power, we started cleaning the mess that you left. That's what we did: We spent so much time cleaning the mess that you left. Yes, for those who need support, we—and everything, a backlog, to help clean up the backlog. They closed the original office and they amalgamated everything, cut the staff by half and fired all the doctors who were there supporting us to help speed up the review of these files and the acknowledgement of those who need support.

**Mr. Martiniuk:** It's not good enough for this government to continue to make empty promises. This government has been in office for three long years, and in that time they've failed to take responsibility for the disabled. The fact is, when adjusted for inflation, Ontario's disabled pensions are hundreds less than in 1997, under

the previous government. These are not my calculations—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Stop the clock. We all need some help in here. The Speaker by himself cannot control the noise level. I need the cooperation of all honourable members. We need to recall that when one member has the floor, he's the only one who can speak. I need to hear the member for Cambridge place his question. Member for Cambridge.

**Mr. Martiniuk:** Thank you, Mr. Speaker. I'm sure the truth hurts, and that's the reason for the noise.

The fact is, when adjusted for inflation, Ontario's disabled persons' pensions are hundreds less than in 1997, under the previous government. These are not my calculations, but those of the Toronto Star on August 26, 2006. For many of our disabled, there was little to be thankful for this Thanksgiving. When we were sitting there with our turkeys, they couldn't afford it.

*Interjections.*

**Mr. Martiniuk:** The Liberals think it's funny. They have neglected the disabled, and they think it's humorous and they're all laughing. Too often this government has chosen to build new casinos rather than help the disabled.

I ask you again, Minister: When will you and Premier McGuinty give disabled persons the respect they deserve and, at the very least, pay a disability—

**The Speaker:** The question has been asked.

**Hon. Mrs. Meilleur:** I'm going to tell the member of the opposition party what we have done after we tried to clean up their mess. We have already made significant improvements to the ODSP application process. Yes, the member from the opposite party was right; there was a long waiting list. So we have hired 12 new staff to reduce the backlog in applications. We have set up a database to allow the DAU to review applications more quickly. We have eliminated the four-month rule. We have reduced the number of backlog files by approximately 3,000 since February 2006 through overtime. We are hiring a new deputy chief medical adviser to provide additional medical advice and support to adjudicators. We are working to provide adjudicators with ongoing training, education and advice to ensure fair, consistent and accurate decisions in disability determination. That's what we have done, and we continue to—

**The Speaker:** Thank you.

1530

#### PROPERTY TAXATION

**Mr. Michael Prue (Beaches–East York):** My question is to the Premier. Ontarians know that the property tax system is broken. They also know that your so-called assessment freeze is nothing more than a shell game. They fear that two years from now, if you get your way, they're going to be whacked with three years of accumulated tax increases. Seniors on fixed incomes can't pay three years' worth of increases all at once.

The Ombudsman knows it's broken; Ontarians know it's broken. What will you do to help our seniors stay in



their homes? Moreover, what's your plan right now to protect them?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Finance.

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** One has to savour the moment: The member from Beaches–East York, as a former member of the city of Toronto government and its predecessors, raised taxes virtually every year he was on Metro council.

I want to say to him that he was among the members who voted against our first budget, when we put in place a major new initiative to reduce the tax burden on our seniors. I agree with him that for seniors on fixed incomes the tax burden is very significant. That's one of the reasons we put an assessment freeze in place, and we're going to have a system that is much better, not just for seniors, but for everyone around the province.

**Mr. Prue:** This is a minister who hasn't got a clue about history or what happened on Metro council, or my role in it. I think you should do a little bit of research before you stand up and give such silly answers.

You promised to put an end to double-digit increases in property taxes, and you failed. You promised to help seniors and people on fixed incomes, and you failed. We need to know your plan right now, not the promise of a solution after the next election, because we all know what Liberal promises are worth after the next election.

You're the government. Tell us today—now, not 18 months from now—what you are going to do to fix Ontario's broken property tax system.

**Hon. Mr. Sorbara:** I have to wonder out loud again why my friend across the aisle voted against the budget measure we brought to this House, which fortunately passed, to provide a \$125 credit to seniors, not just in the city of Toronto, but right across the province.

We heard from the Ombudsman. The MPAC system is now under a major review. The recommendations have been accepted; they are being put in place. To allow that to happen, we put in place a two-year freeze on assessments. We're in the midst of building a much better system than the one we inherited from the guys who sit over there.

### IMMIGRANTS

**Mrs. Liz Sandals (Guelph–Wellington):** My question is for the Minister of Citizenship and Immigration. Ontario welcomed more than 140,000 immigrants last year. That's more than the entire population of Prince Edward Island. In fact, my own community of Guelph has welcomed many immigrants. What is the government doing to assist newcomers to work in their field sooner in Ontario?

**Hon. Mike Colle (Minister of Citizenship and Immigration):** Besides spending \$53 million a year and teaching English as a second language and French as a second language to all these newcomers every year—that's more than the rest of the country spends—we also

have an incredibly successful program, in our bridge training programs, which ensures that foreign-trained nurses, midwives and pharmacists get the training they need to pass their certification exams and get a job. These bridge training programs account for a \$34-million expenditure by our government. It's the biggest program in Canada. It's very successful, because when they take these bridge training programs, they get a job, and they get a job in their field.

**Mrs. Sandals:** It's great to see the investments the Ontario government is making in programs that help newcomers succeed.

Guelph is a growing community with one of the leading research universities. We receive numerous internationally trained individuals each year who are working towards getting accreditation in their field of expertise. In September, the Ontario Institute of Agrologists launched the internationally educated professional agrologists project at the Ontario AgriCentre in Guelph. Minister, can you tell us more about this initiative and how it will help newcomers to Ontario?

**Hon. Mr. Colle:** This partnership with the Ontario Institute of Agrologists is one which ensures foreign-trained agricultural scientists, agricultural engineers and agricultural technicians get this training so they can use their foreign experience and their international experience and apply it in Ontario's rural communities and Ontario's agricultural economy. It's a million-dollar investment not only in foreign-trained agrologists—highly skilled professionals from every country in the world—but it's a great investment in Ontario's rural communities and Ontario's agriculture.

This program, again, is another bridge training program success that's really going to help people who are very qualified to get a job and contribute to the Ontario economy.

### ORDER AND DECORUM IN CHAMBER

**Mr. Frank Klees (Oak Ridges):** On a point of privilege, Mr. Speaker: I'm bringing a matter to you that I believe is indeed a point of privilege, and it relates to the standing orders that deal with order and decorum and conduct of members. I refer you to the standing orders that speak very specifically under section 13(a)—and I will read this section to you: "The Speaker shall preserve order and decorum, and shall decide questions of privilege and points of order." It goes on under section 20(b). I draw your attention to that. It specifically states, "When a member is speaking, no other member shall interrupt such member, except on a question of order."

I want to point out to you—I would be surprised if I am not supported by many other members here on this issue, and I would be surprised if there are not many members in this Legislature who would support me in bringing it to your attention—that during today's session, many times in the course of either statements by ministers or responses, it was impossible for me to either hear the minister or hear the response of honourable



members. It's difficult for me as a member to do my job here on behalf of constituents under those circumstances.

During question period, repeatedly, sir, you had to stand in your place and admit that you couldn't hear. This place is getting to the point where I, as a member, am having a difficult time hearing the business of the House, being able to decide what is being said and understanding the process.

Here is my point: I heard you say today that you need co-operation from members. Standing order 15(a) states the following: "If a member on being called to order for an offence against any standing order persists in the offence, the Speaker may direct the member to discontinue, and if such member refuses to comply, the Speaker shall name the member to the House."

1540

I would ask you to use the standing order to exercise that responsibility. I find it difficult to understand why you would repeatedly have to stand and remind members of this House to allow members to speak and to be heard, and repeatedly the same people are allowed to carry on in the way that they do.

I, as a member of this House, would ask you to exercise your authority and name members of this House. I would suggest to you that the more often you do that, the sooner we will come to a point of decorum in this House. I would ask you to please consider that. Thank you.

**The Speaker (Hon. Michael A. Brown):** Thank you. The member has a point of order.

## PETITIONS

### PROPERTY RIGHTS

**Mr. Ted Chudleigh (Halton):** "To the Legislative Assembly of Ontario:

"Whereas the Canadian Charter of Rights and Freedoms is silent on property rights; and

"Whereas the Alberta Bill of Rights specifically protects the right to the enjoyment of property; and

"Whereas the Quebec Charter of Human Rights and Freedoms provides that 'Every person has a right to the peaceful enjoyment and free disposition of his property, except to the extent provided by law'; and

"Whereas ownership rights should not be abridged or usurped without due process of law; and

"Whereas owners of all lands affected by expropriation should have the right to be included as parties to a required inquiry to consider the merits of the objectives of the expropriating authority; and

"Whereas the decision of an expropriating authority should be subject to judicial review; and

"Whereas, subject to specific limitations of law, the right to peaceful enjoyment of one's land must be recognized by Ontario law;

"We, the undersigned, petition to the Legislative Assembly of Ontario as follows:

"To pass Bill 57, the Land Rights and Responsibilities Act, 2006."

I'm pleased to sign my name and pass it to Max, our page on this occasion.

### LONG-TERM CARE

**Mr. Peter Kormos (Niagara Centre):** I have a petition addressed to the Legislative Assembly of Ontario.

"Whereas, in June 2003, Dalton McGuinty said, 'Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios'; and

"Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

"Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

"Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

"Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"The government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day."

I've affixed my signature as well.

### IMMIGRANTS' SKILLS

**Mr. Jeff Leal (Peterborough):** I have a petition today to the Ontario Legislative Assembly from people in Windsor, Burlington and Toronto.

"To the Legislative Assembly of Ontario:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and

cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

I agree with this petition and will affix my signature to it.

#### DOCTOR SHORTAGE

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** I have a petition to the Legislative Assembly of Ontario. It's from many different people in my riding of Bruce-Grey-Owen Sound, from Hanover, Durham and all over there.

"We, the undersigned, protest the lack of action on the acute doctor shortage for rural Ontario, particularly in Grey-Bruce. Many do not have a family doctor, and specialists are leaving the area. We ask for initiatives and timelines to deal with this current problem, financial incentives, and support for the family health networks."

I've also signed this.

#### LONG-TERM CARE

**Ms. Shelley Martel (Nickel Belt):** I have a petition that's been signed by a number of people who live in Huron county that's been sent to me by SEIU, and it reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas, in June 2003, Dalton McGuinty said Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios; and

"Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

"Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

"Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

"Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day."

I agree with the petitioners. I've affixed my signature to this.

#### IMMIGRANTS' SKILLS

**Mr. Bob Delaney (Mississauga West):** I have a petition to the Ontario Legislative Assembly, and I'd like to thank Chris Janusz of Guildhall Court in the Lisgar area of Mississauga for sending it to me. It reads as follows:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

This is an excellent petition. I've affixed my signature to it. I fully support it, and I'll ask page Adam to carry it for me.

#### LONG-TERM CARE

**Mr. John O'Toole (Durham):** I'm pleased to present a petition on behalf of the constituents in the riding of Durham, which reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care



homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day"—as the Liberals promised during the 2003 election and to implement this in the years 2006 and 2007.

I'm pleased to present this to Julia and sign it in support of the intent.

**Ms. Cheri DiNovo (Parkdale-High Park):** "To the Legislative Assembly of Ontario:

"Whereas, in June 2003, Dalton McGuinty said Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios; and

"Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

"Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

"Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

"Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day."

I agree and will affix my signature.

1550

#### SCHOOL FACILITIES

**Mr. Jim Wilson (Simcoe-Grey):** "To the Legislative Assembly of Ontario:

"Whereas the parents of St. Paul's elementary school in Alliston have raised many issues regarding the

security, cleanliness and state of repair of their school; and

"Whereas a 2003 condition assessment completed by the Ontario government identified the need for \$1.8 million in repairs to St. Paul's elementary school; and

"Whereas the Simcoe Muskoka Catholic District School Board has approached the Ministry of Education with the intention of having the school deemed prohibitive to repair as they believe the school requires \$2.28 million in repairs, or 84% of the school replacement cost; and

"Whereas there are ongoing concerns with air quality, heating and ventilation, electrical, plumbing, lack of air conditioning and the overall structure of the building, including cracks from floor to ceiling, to name a few;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Education immediately deem St. Paul's elementary school prohibitive to repair, secure immediate funding and begin construction of a new facility so that the children of St. Paul's can be educated in a facility that is secure and offers them the respect and dignity that they deserve."

I want to thank Milva Biffis and Gaynor McLeary for sending me those petitions, which I have signed.

#### LONG-TERM CARE

**Ms. Shelley Martel (Nickel Belt):** I have a petition sent to me by SEIU. It's been signed by a number of people who live in Kingston and area. It reads as follows:

"Whereas, in June 2003, Dalton McGuinty said Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios; and

"Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

"Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

"Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

"Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day."

I agree with the petitioners. I have affixed my signature to this.

## IMMIGRANTS' SKILLS

**Mr. Tony Ruprecht (Davenport):** I keep getting petitions in support of access to trades and professions in Ontario. The petition is to the Ontario Legislative Assembly. It reads as follows:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

Since I agree with this petition, I am delighted to sign it as well.

## WATER QUALITY

**Mr. John O'Toole (Durham):** I'm pleased, in the few remaining seconds today, to have a chance to put on the record a petition from the riding of Durham. It reads as follows:

"Amend the Clean Water Act

"To the Legislative Assembly of Ontario:

"Whereas every Ontarian wants the best water quality possible; and

"Whereas the goal of clean water can be achieved effectively through amendments to existing" regulations and "legislation; and

"Whereas the McGuinty" government is "determined to hammer through the flawed legislation known as the Clean Water Act;" which they did today "and

"Whereas the McGuinty" government has "failed to put in place adequate, stable, long-term funding into the bill; and

"Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

"Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place."

I'm pleased to sign this, even though the bill was forced through today by the McGuinty government, and present it to Patrick.

## ORDERS OF THE DAY

## ACCESS TO JUSTICE ACT, 2006

## LOI DE 2006

## SUR L'ACCÈS À LA JUSTICE

Resuming the debate adjourned on October 16, 2006, on the motion for third reading of Bill 14, An Act to promote access to justice by amending or repealing various Acts and by enacting the Legislation Act, 2006 / Projet de loi 14, Loi visant à promouvoir l'accès à la justice en modifiant ou abrogeant diverses lois et en édictant la Loi de 2006 sur la législation.

**The Acting Speaker (Mr. Michael Prue):** Further debate? Are there any members who wish to participate in further debate? Seeing none, and in the absence of the minister to close the debate, Mr. Bryant has moved third reading of Bill 14, An Act to promote access to justice by amending or repealing various Acts and by enacting the Legislation Act, 2006. Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Call in the members. There will be a 30-minute bell.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** Unless.

**The Acting Speaker:** Unless. I have just been handed a note that reads as follows:

"To the Speaker of the Legislative Assembly:

"Pursuant to standing order 28(h), I request that the vote on the motion by Minister Bryant for third reading of Bill 14, An Act to promote access to justice by amending or repealing various Acts and by enacting the Legislation Act, 2006, be deferred until the time for deferred votes on October 19, 2006."

It's signed by Dave Levac, MPP, chief government whip.

**Hon. Mr. Caplan:** On a point of order, Mr. Speaker: I believe we have unanimous consent to move a motion without notice respecting this afternoon's business in the House.



**The Acting Speaker:** Is there unanimous consent? Agreed.

**Hon. Mr. Caplan:** I move that the debate on Bill 103 this afternoon be considered one full sessional day.

**The Acting Speaker:** The deputy government House leader has moved that the debate on Bill 103 this afternoon be considered one full sessional day. Is it agreed? Carried.

INDEPENDENT POLICE  
REVIEW ACT, 2006  
LOI DE 2006 SUR L'EXAMEN  
INDÉPENDANT DE LA POLICE

Resuming the debate adjourned on October 16, 2006, on the motion for second reading of Bill 103, An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act / Projet de loi 103, Loi visant à créer le poste de directeur indépendant d'examen de la police et à créer une nouvelle procédure de traitement des plaintes du public en modifiant la Loi sur les services policiers.

**The Acting Speaker (Mr. Michael Prue):** It is my understanding that on the last occasion the member for Scarborough Southwest had the floor.

1600

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I was, back on Monday I think it was, two days ago, speaking on Bill 103, An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act. And in my comments, very briefly, I said that I believe the act, if passed, would entrench an independent and transparent police review system that has the confidence and respect of both the public and the police.

The point I was trying to put across that I thought was quite important was that this allows the public for the first time ever to go to a non-police board; it would be individuals appointed from the government or from government agencies who could go forward and sit on this board and hear from complainants. The advantages to this, as I was saying on the last occasion a couple of days ago, are twofold. First of all, it gives impartiality so that it doesn't seem that the police are doing the investigating themselves; it provides for an independent third party, and not the police themselves, to investigate any complaint.

Beyond that, it also has the unique advantage of being able to weed out complaints that are deemed to be frivolous or not that important. If that happens now, if someone brings a complaint before the police and the police look at it and say, "We don't think it's worth pursuing," there is always the possibility that the person will say, "Of course, the police are saying that. They are being biased. They're looking at things a certain way because they want it to look a certain way." But with this new bill, it's an independent body that would be able to

look at the complaint and could then say, "This is frivolous" or, if not frivolous, "This is worth pursuing." That allows for some separation between the police and the public.

In the report prepared by Justice LeSage, he indicated quite clearly that in his consultation with over 85 groups—individuals from police and community groups and so on—the new legislation would benefit the government and also the public, and that it would be a process that would allow the public to still have confidence in the police board and in the police service itself. So he has brought forward his views on this potential bill, and we've drafted this bill based on that information and gone forward with it here today, which we are now debating.

In my view, we've struck a balance in this bill. We've ensured that legitimate complaints are heard and that frivolous and ill-motivated complaints are weeded out early. At the same time, we've struck a balance in ensuring that there is an independent civilian involvement at important stages of the police review process and that this doesn't jeopardize the relationships that have been built between communities and the police. I think it still instills and keeps confidence in the police and in what the police function and role are in individual communities across Ontario. So it isn't a shot at the police at all. In fact, in Mr. LeSage's consultation with the various groups, he did say that he met with several police groups and many were in support of it.

What the independent police review director who will be appointed, he or she, would do is, number one, be responsible for the intake and initial screening of public complaints about the police. So instead of going to a police station, which is intimidating to many individuals, especially—I can think of how in my riding of Scarborough Southwest there are a lot of new Canadians who have come to the country and who may feel somewhat intimidated. They shouldn't, but they may feel intimidated in going to complain about the police when they want to lodge some kind of complaint. So instead of going to the local 41 Division or the police division within the riding or within Scarborough, they have that opportunity to go to an independent intake person who would be non-police to lay that complaint or put that complaint forward. Then the director would have the opportunity to screen that complaint and decide whether or not to investigate that complaint. In some ways, it's somewhat similar—it reminds me, if I'm not wrong on this—to how the Ontario Human Rights Commission presently operates.

The legislation would give the director the capacity to investigate complaints himself or herself where appropriate and to go into matters relating to what the subject police force or police officers were involved with. In following the investigation, once the investigation was completed by the civilian independent person, the chief of police would make a decision about discipline, if appropriate. The new independent police review director would review these decisions as well. The police chief or someone in charge of a police department can still discip-



line an officer or a member of the police force and do that based on information received from this independent director, which I think is quite unique. It also gives the independent police review director a chance to review the decision made by the police chief who is going to file the actual complaint against the officer.

In my view, this particular bill brings out a level of openness that up to now has not existed. I can think of many situations or circumstances where individuals—and I've had them come into my own constituency office in Scarborough and say that they had some concern regarding the police. If you say to them, "Go to the police station and complain," a lot of them will say, "No, I'm not going to go there. I don't feel that it's right." They feel intimidated by it. So I think an opportunity exists here to allow for an independent police review director to go forward and look at that situation.

What I also like, and what's unique about this bill which is really good, is that frivolous complaints can be dealt with by this independent police review director. If someone has some kind of illegitimate—or, let's say, just wants to complain about the police for some small reason, let's say they got a parking ticket and decided, "Okay, I'm going to claim that I was targeted for this particular ticket," the independent director can say, "You know what? Your complaint is not legitimate. It's not something that I'm going to pursue any further," and let it end there, which is fair. Otherwise the person would say, "Look at the police: They're after me again. First they give me a ticket; then, when I go to complain to them about it, they tell me that my complaint is frivolous." So it's better to hear from an independent police review director than from the police officer conducting the investigation.

I think the fact that there are appeals from decisions of the hearing officers that would go to the Ontario civilian police commission is also a very good thing. It's actually going to be named the Ontario Civilian Commission on Police Services. This opportunity to appeal these decisions from the hearing officers in these situations is something that is also good. Under this system, there would be no further appeals to the Divisional Court. Judicial review of Ontario Civilian Commission on Police Services decisions would still be available. Someone could still bring a judicial review application but no further appeal.

It's somewhat similar, I guess, to our OMB in our planning system, where the OMB gets its say. Unless there's an error in law or an error in how the OMB made its decision involving the legal system or a legal precedent, there would be no further appeal.

So I think, all in all, the bill is good. I made the comment earlier that it should go to committee. I think there should be an opportunity for this to be debated and looked at as usual. What we've done with many of our bills—most of our bills—is take them to committee to have the opportunity for them to be heard there, to allow for public hearings and then allow the committee to take the concerns the public brings forward and potentially make changes to the bill if deemed necessary.

1610

In conclusion, the bill, all in all, is an improvement on what we presently have. It allows, as I said, for an independent system to review police systems. It doesn't interfere, in my understanding of bill, with anything of a criminal nature. So the SIU and that whole section that is presently in existence, which reviews any criminal wrongdoing, would still be in existence. I don't think that's going to be touched.

This particular review panel and review system that would be set up would allow people to make complaints and would help set up a system of trust and respect for the policing system in general.

It is not totally in our best interests to remove everything from the police and do this all independently, but to work with them and allow the public to have the option of going to this independent person if they want to.

The public also has the option of bringing complaints directly to the police service; that option is not being removed. If the person feels they can bring a complaint to the police board or the police service, they can still do that. The legislation allows for this option, and it's an important one.

I think it fosters an even further sense of trust and respect for the system, because now a person is given the option of either going to the independent police review director or directly to the police, if they feel so inclined, to lodge their complaint. This opens up different opportunities for those who have complaints, and at the same time makes our system much more open to those who have complaints.

I see that my time is winding down, and I am happy to hear questions and comments from other members and to hear this debate as it continues this afternoon.

**The Acting Speaker:** Questions and comments?

**Mr. John O'Toole (Durham):** It's a pleasure to listen to the comments being made on this bill, which has been described by the member as amending the Police Services Act. Quite often, I know from the police services board in my area—I have a great deal of respect for the people who give their time generously.

Community safety, in the broadest sense, is so important to not only being safe but feeling safe, and the police services, along with the police commission, as well as the force itself, do a lot of work to protect our communities.

I think this whole idea is interesting. I believe there should probably be hearings on the bill to make sure the public is fully aware of the procedures.

But just looking at some of the intentions in the purposes section of the bill, to put it on the record from my point of view—I'm picking up the preamble to the bill: "Other elements of the police complaints system that are established by part V include" the following: For instance, in part 1, it says, "Powers respecting the suspension of a police officer by a chief of police." Of course, there is a union that looks after those procedures. Any interference there would certainly have to follow procedures.



"2. Procedures for the withdrawal of a public complaint." Often we think there should be an independent process to deal with those complaints.

"3. Procedures respecting the resignation of a police officer after a complaint against him or her has been made and before the complaint is finally disposed of."

These are things that need to have the light of day, and I'm certain that this bill and its amendments will work with the various authorities to make sure there is an open and accountable system. We'd certainly like to make sure there are hearings to make sure the public is fully informed on any amendments to the Police Services Act.

**Ms. Cheri DiNovo (Parkdale-High Park):** The bill is certainly a step forward and we support, of course, any review that's independent of the body reviewing itself, which was the situation before with the police. There are a few issues, however. Certainly, I agree with the honourable member that it needs to go to committee, it needs to be looked at.

The issue that immediately jumps out at me is section 97. This is the section that talks about the Ombudsman Act not applying to anything done under this particular bill. Certainly, we would want to see this bill come under the jurisdiction of the Ombudsman.

The second section that jumps out at me as being possibly problematic is section 58. In paragraph 4, "A member or auxiliary member of a police force, if that police force or another member of that police force is the subject of the complaint," is prohibited from making a complaint. So is an employee of the OPP, in paragraph 5, "if the Ontario Provincial Police or a member of the Ontario Provincial Police is the subject of the complaint." So, again, here's a concern that I raised before, and that's the concern about the possible whistle-blower function; that police have a chance, should they not want to or need to be a whistle-blower, they have that option and they can go to an independent body, again, outside of their own rank and file and outside of their own brass, to be able to make such a complaint and to bring that forward. So that's another issue as well.

The third issue that I'll go into in more detail with the minutes allotted is the issue of funding. Again, this is a bill that has lots of good points to it, but if it's underfunded, it can't possibly fulfill the mandate that the bill sets forth. There are no provisions for funding here. I point to the example of legal aid and its chronic status as being underfunded. So again, Mr. Speaker, I thank you for your time and I'll go into this in more detail in the minutes allotted.

**Mr. Jeff Leal (Peterborough):** I was listening to my colleague, the member from Scarborough Southwest, discuss the bill, the Independent Police Review Act, Bill 103. I know in my municipal experience, working closely with the Peterborough Lakefield Police Services Board, I'd like to get on the record today—Chief Terry McLaren is the chief of the local force, the men and women who work so hard on behalf of the citizens, particularly in the city of Peterborough, day in and day out. The current chair of the police services board in Peterborough is Tom

Symons. Many will know Tom as the founding president of Trent University, a man who distinguished himself during the Davis years, when he did a number of royal commissions on behalf of former Premier Davis, and was a recipient for his good work of the Order of Canada.

One of the things during my municipal career that I did hear from police officers was the frivolous complaints that they may receive. So there will be an opportunity, as this bill goes forward, I suspect, with public hearings across the province, which I think is a wise course of action, to make sure in the legislation that there's a fair, sensible, clear system that does not weigh down police with frivolous complaints and otherwise interfere with our police services. I think that's an important issue. There are so many demands these days upon our men and women who put their services and their lives on the line each and every day to provide protection, not only in my community, but for people right across Ontario. To have a system and a bill that protects them against frivolous complaints is a very good step forward.

**The Acting Speaker:** Further questions and comments? Seeing none, the member from Scarborough Southwest has two minutes in which to respond.

**Mr. Berardinetti:** I want to thank the member from Durham, the newly-elected member from Parkdale-High Park, whom I haven't had a chance to congratulate yet on her by-election victory, and the member from Peterborough for their remarks. Again, I think their concerns are similar to what I am seeing as well, and we will take this to committee and look at more detail there.

I had the opportunity this summer to sit down with the superintendent out in Scarborough, 41 division, Superintendent Qualtrough. We had a long discussion about what needs to be done for policing in Scarborough. The message he conveyed and his colleagues who were present conveyed to myself was that we really need to work with the community. He was saying to me that the worst thing when some kind of crime happens is when someone just phones up and says, "Get a policeman out here. Hurry up and deal with it. You guys should take care of it, and that should be the end of it."

**1620**

The police want to engage more with the community, want to be part of the community. They want to work with community leaders: the spiritual leaders in the community; community association presidents; the local, provincial and federal members; and other people who are involved in various aspects of the community. That's their best way of policing and that's their best way of fostering trust in the community. This bill, I think, further enhances that, by allowing the public and those people in the community who feel that something may have gone wrong or who want to make a complaint to be able to go either directly to the police to complain or to this new independent police review director.

I support the bill and I look forward to further debate and seeing this eventually going to committee and coming back.



**The Acting Speaker:** Further debate?

**Mr. Robert W. Runciman (Leeds–Grenville):** This is the lead for the official opposition. I want to indicate that I will be sharing my time with the member for Whitby–Ajax.

Thank you for the opportunity to participate in the debate on the legislation which is dramatically changing the police complaints process in the province of Ontario. I think it's fair to indicate at the outset that the official opposition will be supporting the bill—not with any degree of enthusiasm, I have to say. As a former Solicitor General, I don't believe this legislation is necessary. I think it's going to be extremely costly and it's going to be difficult for many front-line officers in the future to cope with this. I know there have been some suggestions, and we certainly hope this is not the case, that as a result of this legislation you may see police officers failing to do their duty and carry out responsibilities that many of us would expect from them. Hopefully, that will not be the case in any situation, but certainly we've heard those concerns expressed.

The catalyst for this, I suspect, is the Toronto Star accusations—I think it's fair to characterize them that way—surrounding the Toronto Police Service, that they were engaging in racial profiling. You may recall that. A few years ago it caused quite an uproar, the front-page stories, all of these so-called examples of racial profiling being engaged in by police officers in Toronto.

I happened to be the minister at the time. Certainly we responded to those allegations and recognized that there were some legitimate concerns being expressed with respect to the system currently in place and that was in place four years ago. We recognized some weaknesses. One of them that I think was legitimate was the fact that the Ontario Civilian Commission on Police Services was lodged at Grosvenor, which is also the headquarters for the Ministry of the Solicitor General and Correctional Services, and that there could be, and probably was, an element of intimidation for the average citizen who might want to, rather than going directly to their police service with a complaint, go directly to the Ontario Civilian Commission. One of the ways that they could do that was by entering that building.

Of course, there were other ways that they could file that complaint: through fax or through other electronic means, like e-mail. Those processes also were available, but I think there was a lack of information, a lack of understanding, even though brochures were put out in public places, like libraries, available in all the police stations across the province, in other neighbourhood community policing offices. Those kinds of opportunities were available to inform citizens, but probably not enough.

What we did in terms of reacting to that was looking at the creation of satellite offices, especially in neighbourhoods that were having concerns about their interaction with the police officers in their communities. I have to say it was a relatively small number of communities, or neighbourhoods, if you will, primarily fo-

cused in Toronto, although certainly there were concerns in some of the other urban areas such as Windsor, London and Ottawa.

As well as moving towards establishing satellite offices, the former government was also active in hiring a new vice-chair of the Ontario Civilian Commission on Police Services, whose role was outreach in the various communities: going into those communities, holding public meetings and reaching out to a variety of communities and various neighbourhoods across the province to explain the role of the Civilian Commission on Police Services, to explain how one would file a complaint and how that process would unfold in terms of dealing with their complaint.

In any event, the current government made a commitment during the election process to throw, in my view, the baby out with the bathwater. We now have this bill before us which I think is going to create a fairly extensive bureaucracy, at a cost to taxpayers—the Attorney General is suggesting initially, over what period of time I'm not sure—of about \$9 million a year. He's also projecting that it's going to level off at some point in time to about \$6 million a year. I suspect that that is a very optimistic scenario and that we're going to see this, certainly in the initial phase, cost significantly more than that. It's difficult to say how much, but in any event it's tax dollars; Liberals don't lose a lot of sleep over the expenditure of tax dollars.

We talk about the racial profiling accusations of the Toronto Star, which were echoed in some of the Liberal ranks. I think it's passing strange that just last week the Liberal government announced the appointment of one Julian Fantino as the commissioner of the OPP. I'm a big fan of Mr. Fantino. I think he's an outstanding police officer. But certainly, when all of these accusations were being made, which are the catalysts for this legislation, who was the chief of police in the city of Toronto? Julian Fantino. So there's a bit of a contradiction here if you look at it from the sidelines. Here's the Toronto Star, the unofficial party organ of the Liberal Party of Ontario, and Canada, saying, "You know we have racial profiling in the city of Toronto. Julian Fantino is the chief. He's the guy where the buck stops." And if it's actually happening—the Toronto Star said it was occurring—who was responsible for that? Who's the chief of police?

But now, Mr. Speaker—you can correct me or someone can correct me if I'm ill informed on this—have we seen any criticism in the editorial pages of the Toronto Star about Julian Fantino being appointed by the Liberal government to be the new commissioner of the Ontario Provincial Police? I don't know. I haven't heard of any criticism, but again, that's the way of the Toronto Star and the Liberal Party of Ontario. As someone who was a news reporter many years ago and owned a weekly newspaper, I guess it's the prerogative of the media to pick their friends and pick their issues and be very selective with respect to how they view some of these issues. Apparently that's the tack that the Toronto Star has adopted with respect to Chief Fantino's appointment.



I was involved when the process was changed back in 1995 or thereabouts—significant consultations, a week-end summit: We looked not just at the complaints process but at the Police Services Act, and made significant and much-needed changes to that legislation. I think, by and large, the system has worked pretty darned well. Over my time, while we were in government, a little over eight years—close to six of those years I spent as Solicitor General, latterly referred to as public safety and security but essentially the same role, responsible for oversight of policing in the province. I can look at those years in terms of complaints about the process: few and far between.

1630

In my constituency office, not infrequently we have people coming in and asking how they go about filing a complaint. We provide them with a brochure, we assist them, if necessary, if they require assistance. It's not something that happens on a weekly basis but it does happen. I can't recall an instance over the past 10 years or so where a constituent who has filed a complaint has come back to us and said, "Boy, this doesn't work for me. This is unfair. This process is bad for Ontario and doesn't hold police officers up to the scrutiny they should be held up to." I have had none of that.

Again, I think that reinforces my own view that the system has worked fairly well. It could use some improvement. We were moving in that direction; the former government was moving in that direction to address those concerns. But again, the Liberal government has toadied up, I guess, to the *Toronto Star* and is throwing this thing out and bringing in a new system which I think is going to create significant problems down the road.

As I indicated at the outset, the official opposition has decided, based on the reaction of policing stakeholders, that we will support this without a great deal of enthusiasm, but it appears that the stakeholders themselves, if they have concerns, are not prepared to voice them. They're not prepared to oppose this legislation. If you look at it from our perspective, if that's the way the stakeholders are approaching this issue, we're not going to take this upon ourselves. They're the people who have to work within the system, and if they're prepared to live with it—and I gather that that's exactly what they've said. They may have some concerns, but they are prepared to live with it. They can live with it. That's what we were told about the Ontario chiefs of police and several police associations that have commented on it, including Hamilton, Toronto, the Police Association of Ontario. They can live with it. We don't know of any policing organization, or other organizations, for that matter, that is opposed to this legislation.

We're going to point out the weaknesses. We think there are areas here that can be improved upon, and we'll be commenting on those and suggesting amendments to the legislation when it goes to committee, and hopefully there will be adequate committee hearings to deal with this.

This is a decision made by the government of the day, which apparently is being supported by the stakeholders

who are impacted by it. So who are we to vigorously oppose or delay an initiative that apparently is being supported by the people who are going to be impacted by it? I'm not just talking about those folks in policing; I'm talking about other groups like the Canadian Civil Liberties Association, and I gather some groups representing minorities in the province have also come forward to indicate that they will be supporting the bill.

The only group I know of that apparently has expressed some reservations is the Ontario Association of Police Services Boards. They noted some misgivings during a lobby day we had in this place last spring. Their view was that the process undermines the authority of police chiefs in resolving complaints, but those concerns were expressed very quietly to individual members and they have not taken any public position with respect to the legislation. So we're looking at that as tacit approval.

I guess one has to wonder about this process. As someone who has worked with the policing organizations for many years, as a critic in opposition for about four years, and then six-some as a minister, working with all of these organizations, and watching what has happened here over the last year or so—we just had a discussion about a deferred vote on Bill 14, the so-called access-to-justice legislation. There's another example of police associations in this province bewilderingly, from my side of the fence, absenting themselves from discussion on an important piece of legislation.

Bill 14, as you realize, dealt with administration of the courts, as one example. It also dealt with the shortage of justices of the peace in the province. These are issues that are major concerns—have been in the past, anyway—of the police chiefs in the province, the police association, the Ontario Provincial Police Association. I will say that Bruce Miller from the Police Association of Ontario did appear. But the chiefs have had major concerns about the lack of JPs for bail hearings and the whole range of concerns that they have, the administration of the courts and the fact that we can't seem to administer our courts in coordination with police services, calling police officers to be witnesses, their sitting in the waiting rooms and then being sent home. It is a real problem in terms of policing costs, the administration of the courts, yet the chiefs' association failed to appear. Here, with another piece of legislation which is going to place, I think, fairly significant burdens on them and on their front-line officers, they're putting up their hands: "Well, you know, we can live with it." It's a bit of a mystery, and you have to wonder.

It's nice to see the member from Huron—Bruce in here because she may want to respond to my comments, because I'm going to reiterate—

**Mrs. Carol Mitchell (Huron—Bruce):** You know how I love to respond to your comments.

**Mr. Runciman:** She's jibing, not from her seat, Mr. Speaker.

I mentioned the other day in talking about Bill 14, and I think it applies to this legislation as well, the failure of interest groups to appear, and in this instance their failure



to take a strong position. I raised the issue of intimidation. There are various ways of intimidating individuals and organizations. One way can be the Minister of Health calling them and browbeating them, shouting at them over the phone—we have heard lots of examples of that; Bully Boy Smitherman calling hospital administrators and others in the health care sector, a group of professionals in the health care sector, a bunch of terrorists. Remember that? A bunch of terrorists. That's one way of intimidating stakeholders.

There are other, subtle ways of doing it: "If you don't do this, we'll do that," those kinds of suggestions, perhaps in a very polite way. Or there can be ways of saying, "If you want this, we want that," that kind of gamesmanship, those forms of intimidation which have occurred. I want to use an example, a true example, and I want to put it on the record again, dealing with a guy by the name of Guy: Don Guy, the former chief of staff to Premier McGuinty, who is now heading up their re-election campaign.

There was a meeting of an organization in the city of Toronto, a very prominent non-political, non-partisan organization. Mr. McGuinty was the guest speaker. The emcee for that event was given a script for the introduction of Mr. McGuinty—a script. At the bottom of it, he was being required to introduce Mr. McGuinty as "Mr. Ontario, Dalton McGuinty."

He took offence to it and said, "This is a non-partisan organization, a non-partisan event. I'll do the introduction but I am not going to say 'Mr. Ontario.'"

So what happened? The next day he gets a call from—guess who?—Don Guy, the chief of staff to the Premier of Ontario, saying, "What's this? You won't introduce Dalton McGuinty as Mr. Ontario? Who the devil do you think you are? I want him introduced as Mr. Ontario, no ands, ifs or buts." The fellow said, "Okay, Mr. Guy, I'll do it. I'll accede to your request and I'll do it this way. Does this sound okay to you? 'I got a call from the Premier's chief of staff, who demanded that I introduce our guest speaker as Mr. Ontario, so according to the chief of staff's demands, here is Mr. Ontario.'" Dead silence on the phone. He said, "Thank you, thank you"—click. Now, this fellow was strong and independent. He wasn't depending on government grants, government support or government appointments. He was truly independent and he told Mr. Guy where he could go.

1640

But how much of that intimidation goes on on a regular basis in this Liberal government? I think it's very significant and very extensive. We see it in all sectors. Regrettably—I have trouble dealing with this—I think it has happened in the policing sector. Can you imagine chiefs of police being intimidated? I find it difficult, but it appears clear to me that that's what has happened. Like so many other sectors, so many other groups, so many other organizations, they have been intimidated.

At the Bill 14 hearings there was a retired chief of police. He'd been a chief in Prince Edward Island, in Charlottetown. Before that, I believe he was a detective

sergeant in Metro Toronto. He left, retired in Toronto, and was hired in Charlottetown as the chief of police. He's now an honorary member of the Canadian chiefs' association. I raised this issue with him, my concern about all of these very important issues dealing with policing, impacting on policing operations in the province of Ontario, and I didn't expect a response from him. I didn't want him to take a position because he had not been an Ontario chief, but I said, "Don't you find it a little perplexing that the chiefs would not take an opportunity like this to come forward and express their concerns, their ideas, their suggestions on important legislation impacting on every police service in Ontario?" He said that he was astounded. He felt, as a former chief, an honorary member of the Canadian chiefs, that they should look upon that as an honour, an honour and an opportunity to appear before a standing committee of the Legislature or the House of Parliament in Ottawa to bring forward their ideas, their suggestions and their concerns about the legislation of the day. He couldn't believe it, and I can't believe it either. I think it's a sad, sad day when the chiefs and others sit on the sidelines with legislation like that.

Based on that, we have made a conscious decision that if they can live with this legislation—certainly, if we have adequate public hearings, we're going to put forward a number of suggestions. One of them is about informing police associations that if there is going to be disciplinary action or a finding against a police officer, we believe the association should be informed ASAP. We're very concerned about third party complaints. This opens up a can of worms which is unbelievable, a real can of worms about third party complaints and a number of other concerns that my colleague will be putting on the record as well.

It's a situation that doesn't make me feel terribly happy. I think the system is working reasonably well. We could have done some tinkering and improving on this to make sure that it more adequately addressed the concerns of some communities in Ontario. I think we could have done that and we're in the process of doing that, but for political reasons the government has opted to go in another direction, which I think is worrisome to some degree.

I happen to have a bit of a conflict here, I suppose. My two daughters are front-line police officers, and I think some elements of this are worrisome. But the chiefs and the associations who represent the front-line officers, in their wisdom, have said, "We can live with this." So the Progressive Conservative Party of Ontario is going to live with it.

**Mrs. Christine Elliott (Whitby-Ajax):** I'm glad to have the opportunity to join in this debate with respect to Bill 103 on behalf of the official opposition. I would like to thank my colleague from Leeds-Grenville for sharing the time for discussion with me today.

I will use the remaining time allocated for this purpose to raise several questions I have with respect to the priority placed on passing this bill through the Legislature,



given other, perhaps more pressing, issues at the fore of our justice system, and also some questions with respect to the funding levels that will be necessary to overhaul the complaint system currently in place. I will also address some of the issues we should be wary of in moving forward with this legislation and present briefly some of the comments and concerns we have heard from some of the stakeholders.

When debating this particular piece of legislation, I would be remiss if I failed to speak to the wonderful job our police officers do each and every day to serve and protect the citizens of Ontario, so I would like to begin on a laudatory note. I know I speak on behalf of all of the members of the Progressive Conservative caucus when I say that we are extremely proud of the work our police services do across the province, and we commend the integrity, honesty and diligent work ethic of the officers who serve us each and every day. Durham regional police Chief Vernon White serves my constituents in Whitby–Ajax extremely well, and he has done a truly commendable job in this role in a very short period of time since he's been with us. I will also say that I very much appreciate the interest that the police in Durham region have shown in contributing to community issues as well as serving and protecting our families.

I recently held a town hall meeting on justice issues in my riding of Whitby–Ajax in conjunction with the Ontario Bar Association, which was attended by Deputy Chief Mercier. It was wonderful for me and for other members of the public to hear his input with respect to issues surrounding our justice system. I look forward to working with the police in the future to address those concerns that were voiced.

I have full confidence that the police services we have in this province are second to none, and I am proud to be able to make that assertion. I must say these men and women not only have my confidence and the confidence of my colleagues on this side of the House, but they also have the confidence of the citizens of Ontario. As the Attorney General stated himself this past Monday, according to a 2003 Statistics Canada survey, more than 80% of the public say they have confidence in our police, which is a truly remarkable number.

I guess where all this is leading is that it's just bewildering to me why the Attorney General has suddenly decided to make this particular piece of legislation a priority, given the other pressing needs in our justice system. Specifically, this is a piece of legislation that overhauls an already functioning system. I would concur with my colleague from Lanark–Carleton and also the member for Niagara Centre, who both raised this point on day one of second reading of this legislation, that there is no real haste to push this bill through as it stands. Given the fact that the Attorney General had the recommendations from former Chief Justice LeSage for a year before he felt it time to introduce legislation enacting some of these proposals, it does not seem that this matter has been pressing to the Attorney General—that is, until now.

Moreover, a costly and somewhat cumbersome overhaul of the current complaint system bewilders me, given the current state of affairs elsewhere in our justice system. I will speak specifically to the current state of legal aid, as I mentioned earlier in this House today. The member for Niagara Centre, my colleague from Leeds–Grenville and I have all watched as this Attorney General has completely neglected the legal aid file, as he's left single mothers and vulnerable people all across the province of Ontario in desperate need of legal aid services. In fact, the number of people turned away at the door has increased 42% in just two years under his watch. Small wonder, then, that members of the legal community have charged that the system has indeed gotten worse since the appointment of this Attorney General. Yet he has decided to pursue an overhaul of a system that, although it could use some improvement—no one is questioning that—is not experiencing anywhere near the crisis levels that we're seeing in the legal aid system.

This Attorney General has been completely off the radar when it comes to dealing with and properly funding legal aid, yet he purports to have the dollars to revamp a system in which 80% of Ontarians have confidence. The fact is, the government is proposing to change a system that is generally well received by the public, and to spend millions of taxpayers' dollars is really somewhat presumptuous, given the need to fix so many other pressing areas of our justice system that need assistance, like the crisis we're currently experiencing in legal aid.

#### 1650

Now that we're talking about dollars, or the lack thereof, I will also say that perhaps it would also be useful if the Attorney General could be more specific within the legislation about what this new proposal is actually going to cost. As is the case currently with respect to Bill 107, the proposed human rights reform legislation introduced by the Attorney General this spring, there is no clear indication about how much this plan is going to cost or, indeed, how it will be funded.

I recognize that this legislation is meant to serve as a framework for how this new complaints process will function. However, as this bill refers to a system that currently is working fairly well, I think that it's only responsible for the Attorney General to lay out exactly how much this change is going to cost the taxpayers of Ontario. For example, while each police chief will be required to designate a senior officer to serve as a liaison with the agency director, there is no mention of additional funding to support this new burden on resources. Ewart Walters, editor of the *Spectrum*, has cautioned, "If [a civilian complaints commission] is not going to be properly staffed and properly financed, we shouldn't bother."

As we've seen with Bill 107, the human rights reform legislation, the McGuinty government has left out significant details of how this plan will actually be carried out. We should be mindful of this fact. The Ontario Association of Chiefs of Police certainly is, as they note that "the real danger in any proposed legislation isn't always



in what it says, but in what it doesn't say. Bill 103 leaves many questions unanswered."

I understand the Attorney General has said that the agency would cost up to \$9 million in the first years, eventually levelling out at \$6 million annually, in addition to the \$1-million start-up cost. However, as I mentioned, none of these details are discussed in the bill, or really discussed in any significant detail with the extent of information the taxpayers of Ontario really need.

We on this side of the House are interested in supporting innovative ways to better our society in the province, to increase transparency in the administration of justice, and to properly and responsibly expedite complaints to lessen the burden on that system. But we would like to see some evidence that this plan is going to work out on a larger scale before we commit to it. One of our recommendations would be to design a pilot project in a large urban centre such as Toronto and then evaluate the outcome to see if it really does work before we invest in a project of this nature that's going to cost millions of taxpayers' dollars.

Don't get me wrong: No one is opposed to civilian oversight. But the fact is it already exists in the current system and has been working reasonably well. I think it would be prudent, therefore, to consider these issues before rushing any bills through this Legislature. Perhaps the extra millions the government will have to spend for an overhaul of the current system might better be spent further developing the existing process by developing its merits; making the changes to the system as it currently exists, rather than throwing the baby out with the bathwater and reinventing the wheel.

We fear that if the new system bogs down in red tape and bureaucracy, all confidence in the complaints process will be quickly lost. In fact, it seems that this concern could be a very real risk. Enabling third party complaints from individuals other than the alleged victim of misconduct can open the floodgates to a surge of minor complaints and create a bureaucratic nightmare. Many of these complaints can be successfully handled at the local level by simply explaining policies rather than being run through the proposed provincial agency. The Waterloo Region Police Services Board and association has warned, "If [the agency] gets a reputation for being terribly bureaucratic, with long delays ... people will just throw in the towel and say they're not even going to bother next time." This is advice that we should heed.

Further to the idea that perhaps the funds that will be spent on this overhaul might be put to better use elsewhere, I will highlight the opinion the North Bay Police Association has offered on the issue. They note that the government is going to spend millions to deal with minor complaints against police, when that money would be better spent within the police organizations to provide police departments with civilian members to investigate complaints. Establishing regional centres for the agencies will be costly, and inevitably there will be situations where someone with a complaint about a local service will have to speak to someone in a regional centre

hundreds of kilometres away from that existing service. Running the regional centres will involve unnecessarily spending public dollars just for the appearance of increased accessibility in limited circumstances.

What is the difference to someone in North Bay if they have to speak to someone in Thunder Bay or Toronto about a complaint? It can be done just as efficiently in one centre. The fact is that the complaints system under which we are currently operating was developed through extensive consultation and extensive research and outreach with many communities, including police organizations and front-line police officers. Since 1997, police services have been responsible for the intake, investigation and adjudication of complaints, and the independent Ontario Civilian Commission on Police Services plays a role in reviewing police handling of complaints and hears appeals from police disciplinary hearings.

Bill 103, if passed, will establish a new independent police review director who would be responsible for the intake and initial screening of public complaints and would determine whether the complaint will be investigated by the IPRD, the police service affected or referred to another police service. Members of the public could still make complaints to the local police service if they wish. Third parties will also now be able to lodge complaints, provided they are direct witnesses to the alleged misconduct or have a direct relationship with the victim.

These are substantial changes, and I think it's important that we listen to our police officers before we move hastily with this legislative process. We would certainly recommend that extensive travelling consultations be conducted across the province, particularly in the north, during the winter adjournment. This is really important if we're going to make sure we have this right. If we're spending all these taxpayers' dollars on these changes, we need to make sure it's going to work.

Another issue that I think should be recognized is the way that the legislation, once enacted, will affect the relationship between the communities and their respective police chiefs. We should be mindful of the fact that, on its face anyway, Bill 103 erodes a police chief's authority and respect by giving the provincial agency a higher authority on how the particular complaint should be handled. There is a risk, if it's handled incorrectly, that this change could lead to a negative relationship between the police chief and his or her community in a critical aspect of the policing process. This is something we definitely do not want to see as part of this whole process.

Not only does this legislation provide grounds whereby this type of relationship could suffer, given that there is no opportunity for police chiefs to be consulted or involved in the new agency director's filing of an annual report until after it is made public, but this could also undermine the role police chiefs play and encourage an adversarial approach between the agency and police chiefs.

Just to be clear, we don't have a problem with the Ombudsman not having investigative control or powers



over the police. But the Ombudsman himself has raised some significant concerns with respect to this whole process that we should really be listening to and that I don't think we have heeded enough to this point in time. He has raised some significant concerns regarding the fact that the authority of the police chief might be undermined by this legislation. In fact, Dave Wilson, president of the Toronto Police Association, aptly notes—

**Mr. O'Toole:** Dave won, did he?

**Mrs. Elliott:** He won; Mr. Wilson won.

"A balance needs to be struck ... something that addresses any concerns that are brought forward but does so in a way that respects police officers and their rights."

We must also make sure that in the spirit of this legislation, one purpose of which is to provide confidence and respect from both the public and police in the complaints system, the public is extremely clear about the fact that the system is changing and why the system is changing.

Given that they will still have the option to go to their local police service to voice a complaint, they may wonder why a system that is functioning at arm's length, seeking to accomplish the same end, is now being replaced by a totally different system.

1700

I'm asking the Attorney General to be very transparent with this bill because, until now, he has really not presented a clear or compelling reason why the entire system needs to be overhauled. Taxpaying citizens deserve a clear and compelling reason as to why they are spending their hard-earned money to revamp an already functioning system. So I would urge the Attorney General to take all of these issues into consideration as we proceed with our debate on this issue.

**The Acting Speaker:** Questions and comments? The member from Parkdale-High Park—no. The member from Toronto-Danforth.

**Mr. Peter Tabuns (Toronto-Danforth):** What can I say? Occasionally, our ability to coordinate is impaired by the late hour.

**Mr. O'Toole:** It's stereo. They have the same notes.

**Mr. Tabuns:** We could do it in stereo. No, we don't have the same notes.

*Interjections.*

**Mr. Tabuns:** More support from the honourable member would be appreciated.

There's no question that having an independent police complaints review board is something that this province needs, it's something its citizens need and it's something its police need as well.

The police have a fairly unique role in our society and fairly unique powers. They're given the authority to use force to deal with those who are dangerous or destructive. In the use of that force, at times they themselves can be vulnerable to making mistakes; they can be vulnerable to accusations of improper use of that force. In providing a mechanism so that someone independent, someone who can be seen as unbiased, unconnected, uninterested in

that they don't have an investment in the outcome but only have an investment in the truth being told—that's very important to the credibility of the police, because complaints will be made when they make mistakes and when they don't. For the police to be able to say, "That complaint was made. It was investigated by an impartial source, and it was found in this case not to be a justifiable complaint," is extraordinarily important to the credibility of the police.

Similarly, for the public to know that if a police officer, either through mistake or through malice, does something that harms a member of the public—that member of the public deserves the protection of a body independent from the police, impartial, one that can act in the interests of society as a whole.

I'll go on in further detail later.

**Mrs. Mitchell:** Here we are again: another day, same old comments over and over again. When we know that the McGuinty government is committed to consulting, to working with their stakeholders, and the comment comes up again—here's the member from Leeds-Grenville saying again that we're intimidating and we're the big scary government. What nonsense. To take the lectures from across that side is just way over the top; really, the colossal nerve that it takes to talk like that about the McGuinty government.

We consulted widely. We did that. People acknowledge that. When we were at the hearings, those are the comments we heard. We hear that from our stakeholders repeatedly. We will continue to work with our stakeholders to move forward legislation that meets the needs of the people of Ontario.

Really, police chiefs intimidated? I know that is something that the member from Leeds-Grenville keeps talking about, that the government intimidated police chiefs. I can only say to you that he obviously doesn't know any police chiefs. We know the dedication that it takes to do their job day in, day out. It's a very difficult job. When they reach the status of police chief, I know that they recognize that the McGuinty government is working with them to provide the services that the people of Ontario need.

I say once again to the House—the member from Leeds-Grenville takes exception to some of my comments about intimidation but, as we say in rural ridings, the proof's in the pudding. The people know and recognize that we are working with the people of Ontario to provide the services that they need.

**Mr. O'Toole:** I have never heard such bombastic overstatements. I listened to the member from Leeds-Grenville and the member from Whitby-Ajax, who know of what they speak. One has been the Solicitor General of this province; the other has practised law in this province. And those who have made comments thus far know not of what they speak.

I can say on this side that the legacy would be support for both the policing functions as well as the oversight functions. In fact, I think it would be correct to say that in a broad and mild sense we are supportive of the bill, but



there needs to be some openness on such an important issue as public safety. Our critic, the member from Whitby–Ajax, is only calling for fairness and openness, and that's what I would expect her to say.

If you look at certain sections of this bill, there are things that—the member from Leeds–Grenville may have reason to say this is why we want hearings when you consider that you're bullying the police chiefs. We are all for openness and accountability, and that's what our two members who have spoken on this important bill have said. And we do call for the independence of policing. But if you look at certain sections of this bill—I think it's important to look at part V, which says that the name is being changed. The bill also says, "Police boards may continue to establish guidelines for dealing with police complaints, but may only establish such guidelines in respect of public complaints if they are consistent with any guidelines established by the independent police review director...."

So it's in that vein that I take exception with the member who has just languished in some—I don't know who gave her the notes to read, but the member from Huron–Bruce certainly overstated our position on this bill and I expect her to withdraw those complaints some time in the future.

**Ms. DiNovo:** I have to say, just as background to this bill that has been proposed, that certainly there is a need for a bill. There's no question that there's a need for a bill. There's no question that stakeholders, both within the police force and those who might have complaints against the police force, need an overhaul of the current system.

When we look at some of the work that Judge LeSage did, it's invaluable and needs to be acted upon. There is no question from the New Democratic Party that that is the case. We only have to think about the case—and particularly I can speak for my own riding of Parkdale–High Park, where English is a second language. People who are poor, people who are intimidated, especially those people who come from other countries where it's a very frightening act indeed to walk into a police station—we can't expect that the current system will meet their needs. To walk into a police station to make your complaint about a police officer is far too intimidating, it's not fair and, finally, it's not just. So something has to be done. The question is, does this bill do it? We have concerns and reservations about aspects of this bill—that, as usual, it doesn't go quite far enough. So in my time coming up I'd appreciate going into all of those.

There's no question from the New Democratic Party's standpoint that we will probably support this bill, but we do want to see this bill go to committee. We do want to see this go to public hearings. We do want input, particularly from our aboriginal brothers and sisters out there who have their own systems of justice and who really don't seem to have been consulted enough about this, as well as other stakeholders. So I look forward to speaking more about this.

**The Acting Speaker:** The member from Whitby–Ajax has two minutes in which to respond.

**Mrs. Elliott:** I think it's important to note that we generally agree in principle with the subject matter of this legislation, but we also urge the government to take into consideration the significant concerns that have been raised by the other members of the Legislature from the official opposition and also by the members of the third party with respect to some of these issues. I think we owe it to the taxpayers of Ontario to make sure that a cogent case is presented to them on the need for reforming this police complaints process virtually in its entirety, and to make sure that we are going to get value for money at the end of the day with respect to this whole process. So we would urge the Attorney General to consider a pilot project to make sure that we expansively consult with members of the public and stakeholders across the province, that we consult with police chiefs and police officers on duty, to make sure that we are able to come up with a complaints system, that if we are going to completely overhaul it, we're going to get it right and it's going to serve the people of Ontario in the way that it's meant to.

1710

**The Acting Speaker:** Further debate?

**Ms. DiNovo:** I want to start by saying that in my experience as a church minister in Parkdale–High Park in 11 division and in my experience in the city generally, we do in fact have an absolutely laudable police force. My own husband, my partner, was in fact part of Kitchener–Waterloo's police force for a couple of years before he went into the perhaps more frightening territory of academia. In that capacity, as a police officer for Kitchener–Waterloo, he experienced first hand what it is to be a police officer in the line of duty. It can be very frightening, it can be very tedious and it certainly can be the kind of job where there are not many rewards, outside of the police officers' fraternity and sorority, and sometimes you don't feel like you have a lot of friends out there. So certainly we do appreciate their concern. I want to give a nod to 11 division, which is operative in my own riding of Parkdale–High Park, and the incredible work they do, with very little support at times. They're asked to be both social worker and law enforcement officer many times during the week, and certainly we need to give them the respect they deserve. It's out of that respect, in part, that we have some reservations about this bill and some comments.

First of all, I wanted to go into the background of this bill. Folks may not know all of the background, so let's just reiterate it. In 1981, an independent civilian public complaints commissioner was set up in Toronto on a trial basis. In 1990, the public complaints commissioner was renamed the police complaints commissioner and expanded to the entire province. Then, in 1997, the police complaints commissioner was dismantled and the current public complaints system was introduced. Under the current system, police services are responsible for the intake, investigation and adjudication of complaints. The Ontario Civilian Commission on Police Services, an independent body, plays a role in reviewing police hand-



ling of complaints and hears appeals from police disciplinary hearings. In the wake of those changes, complaints fell more than 30%.

In June 2004, the McGuinty government appointed the former Chief Justice of Ontario's Superior Court of Justice, Patrick LeSage, to conduct a review of the police complaints system in Ontario, and in April 2005, LeSage presented his report to our present Attorney General. The report contained 27 recommendations, including the recommendation that a new independent civilian body be created to administer the police review system in Ontario. The rest of the recommendations touched upon all areas of the system, including access, informal resolution, the investigation, hearings and appeal process, audits, and appropriately funding the system.

I just wanted to walk through the LeSage report versus Bill 103—where they match, where perhaps they don't match. Overall, I have to say the bill does implement most of LeSage's recommendations. For example, LeSage says: "An independent civilian body should be created to administer the public complaints system in Ontario. The body should not be related to OCCOPS. A civilian who has not been a police officer should lead this new organization. Civilian administrators should be responsible for the administration of the complaints system for each region of the province. The new body should produce an annual public report for the government and should also hold an annual public meeting."

In Bill 103, the independent body is created and the bill prohibits former police from heading it. The annual report is in the bill but not the annual meeting, so I highlight that.

Secondly, LeSage says: "The government should appoint community and police representatives to an advisory group for each region. The groups would meet with the head of the new body to discuss systemic concerns, but would not direct the new body."

Here in Bill 103, nothing seems to compel this recommendation of the LeSage report.

LeSage goes on to say, "The new body:

"—will engage in educating the public about the complaints system;

"—will be responsible for the intake of complaints in as many forms as possible including complaints from agents (e.g. lawyers and community groups) of complainants;

"—will provide appropriate access to the system, recognizing the linguistic, cultural and geographic diversity of the province;

"—will provide appropriate assistance to complainants in the filing of a complaint;

"—will review complaints to determine whether they should be pursued further and screen out those that do not reveal a reasonable basis for the complaint, those that may be more suitably addressed through another process or those that should otherwise not be subject to further action; and

"—will review complaints to determine whether the complaint is in regard to policy, service, conduct or any combination thereof."

Except for allowing third party complainants, Bill 103 does not lay out these provisions. One has to note that it's not that it necessarily could lay out these provisions, but it doesn't do that.

LeSage says: "Individual police services must also participate in educating the public regarding the complaints system, continue to deal with public concerns that are not subject to the complaints system and provide necessary assistance to people who have complaints."

"The police should still have the ability to listen to concerns on an informal basis where individuals genuinely do not wish to lodge formal complaints. A written acknowledgement indicating that he or she was informed of the complaint process should be obtained from such individuals prior to engaging in informal discussions."

Again, Bill 103 does not address this explicitly, nor, one must say, does it prohibit it.

LeSage says: "Each police service should designate a senior officer to act as a liaison to the new body. The responsibilities of this senior officer should include facilitating communication between the police service and the new body."

This is in the bill.

LeSage goes on to say: "The limitation period for the filing of complaints should remain at six months running from the time of the events upon which the complaint is based. However, if the complainant was charged and the complaint relates to the circumstances upon which the complainant was charged, the six-month limitation period should run from the time when the charges were finally disposed of. The new body should have broad discretion to extend the limitation period in cases where the complainant is a minor or is a person incapable of bringing forward the complaint and in cases where it is of the opinion that it is in the public interest."

Bill 103 allows the director to throw out a complaint on the basis of being more than six months old but does not compel her or him to do so.

LeSage says: "Provincial standards should be set by the government to ensure that all officers are readily identifiable by way of a sufficiently large name patch on their uniforms."

Bill 103 doesn't include this, but it doesn't prohibit it. So we can start to see how this bill actually differs in some minor, and maybe not so minor, ways from the LeSage report.

LeSage goes on to say: "Subject to the independent body's right to intervene and subject to the powers of the independent body described in recommendation 24, complaints regarding policy or service should continue to be handled in the current manner. However, the chief of police should provide a final written report regarding all such complaints to the complainant, to the police services board and to the new body."

In this instance, the bill does provide.

LeSage goes on to say: "In any final disposition of a complaint, sufficient information must be provided to the complainant to allow the complainant to arrive at an informed understanding of how the complaint was handled."



Again, we have no problem here. The bill provides for this.

Continuing on, LeSage said: "It must be clear that any person who makes a complaint or is responsible for the handling of a complaint must not be harassed, intimidated or retaliated against for making or handling that complaint.

"Any police officer who seeks to undermine the efficient and effective operation of the complaints system should be deemed to have engaged in misconduct."

Again, no problem there. The bill does this in section 79, part II.

Continuing on, however, LeSage says: "If investigated by the police service affected or by another police service, the police officers assigned to investigate should not have any connection to the incident and be removed from the persons involved in the incident."

Bill 103 does not lay this out in the section dealing with internal investigations, which is section 66.

LeSage goes on to say: "The new body should be staffed with highly skilled investigators. These investigators shall not be police officers, but may be former police officers. However, a former police officer shall not conduct investigations related to any police service with which the investigator was formerly employed.

"Not more than 50% of the investigative staff of the new body should be former police officers."

I draw your attention to Bill 103, which does not seem to make any such restrictions in the section pertaining to investigators; that's section 26.5 of the bill.

1720

Finally, just to compare and contrast the LeSage recommendations with the bill, LeSage says, "The informal resolution process following an investigation should allow a chief of police to impose any penalty available to a hearing officer at a hearing other than dismissal or demotion unless rejected by the officer complained of. Information concerning the matter, the officer's reply, if any, and the penalty should be provided to the complainant and the new body. This information should be placed on a central Internet site. Review decisions should be made publicly accessible through an Internet site.... All hearing dates, hearing locations and hearing decisions must be made publicly accessible through a central Internet site."

Bill 103 only compels that decisions be publicly available and that an annual report be published. It doesn't go into the necessary detail as to how that's going to be accomplished.

But I go on, because there are stakeholders who are unhappy with this bill as it stands and have put their requests and concerns forward to us. Again, this is the Toronto Police Accountability Coalition, a coalition of concerned citizens. They acknowledge that at least Bill 103 is a step forward, that the position of independent police review director being established is a good thing and that the establishment of regional offices is a good thing, although they do point out—and we have pointed out before—that there is no part of this bill that does the

reaching out to aboriginal communities that we would like to see. There's nothing in this bill that deals with aboriginal issues specifically, or even generally.

They go on to say what the bill does not do. They say, "The bill does not guarantee that an independent investigation will be done." This is hopefully the very point of this bill. "In fact it leaves the assumption that most complaints will be investigated by the police, as they now are. Given that speed and first access are important to accurate investigations, this is a genuine reason for concern. It is of little assistance to know that after the police have completed their investigation (perhaps taking two months)"—or more—"the police report will be submitted to the director who can then wonder whether the investigation has been done in a satisfactory manner. One fears that the lack of a guarantee of an independent investigation"—and by that we mean a guarantee of an independent investigation, not the promise of one—"will mean that the bill is not much of a step forward."

They also raise a number of other questions. They raise the questions of:

"The establishment of local advisory boards (as proposed by LeSage). How is that going to happen? Where is that going to be?

"The instances in which complaints filed more than six months after an incident will be considered legitimate." It doesn't talk in this bill about how that will be adjudicated, whether it's legitimate or whether it's not legitimate.

"The percentage of investigators working for the director who are former police officers." I already highlighted that when I contrasted the recommendations of the LeSage report with the bill itself. "(LeSage had suggested a maximum of 50% should be former officers.)" But there's no guarantee of that.

They also contrast this bill, for example, with an independent coalition called Small Claims Court Justice, which is a group of law students, legal workers and social justice activists who have recently established the Police Accountability Small Claims Collective. Again, here's a stakeholder that's not particularly thrilled with this bill, although even they admit that it is a step forward from what we have now. At least we have someone independent that an injured party can go to.

I want to bring other concerns as well, other reasons that this bill should go to committee and public hearings and be really thoroughly examined. One of them we highlighted before, section 97. The Ombudsman Act does not apply to anything done under this bill. Well, who is going to oversee the overseers? Where is the accountability and transparency if ultimately the Ombudsman does not have access to the judgments that are made by this independent director and the investigation? This is a question of safekeeping. It's a question of a check and balance on the system as set up and on whoever this director might happen to be. As in most everything else, we would want to see this come under the Ombudsman's jurisdiction, and that's absolutely critical.



The other concern I raise is actually for the police themselves, and that is, in a sense, the absence of any safeguard for a whistle-blower within the police department. I go back to section 58. Here again I read that members prohibited from filing a complaint under this new system are members or auxiliary members of the police force, only if that police force or another member of that police force is the subject of the complaint; and they go on to say, "An employee of the Ontario Provincial Police, if the Ontario Provincial Police or a member of the Ontario Provincial Police is the subject of the complaint."

So I imagine a scenario—this is not imaginary; this is actually represented by a case that is before our courts right now—where a whistle-blower complains of corruption in the force in which they serve or perhaps, for that matter, complains of something unfair done to them or done to others by the brass in their own force, and wants to have a place to go that's independent, that's safe, that will adjudicate their concerns and then issue a ruling about this. Again, part of the problem is how this independent director is going to work. Are they going to send this back to the police services in some way, shape or form to investigate in essence a complaint about themselves, or will this go to an independent body? It's not very clear in the bill.

But what's clear in section 58 is that a police officer can't partake of this. They can't come forward and use this to further all of our safety. Certainly we would want, when we look at something like this, protection for a whistle-blower. I won't go into the details of this case that's before the courts, but in this one instance, a police officer was given one count of discreditable conduct and one count of breach of confidence. Why?

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** On a point of order, Mr. Speaker: I want to refer you to standing order 23(g). It says that the Speaker shall call a member to order if they refer "to any matter that is the subject of a proceeding

"(i) that is pending in a court or before a judge for judicial determination, or

"(ii) that is before any quasi-judicial body constituted by the House or by or under the authority of an act of the Legislature."

I'm listening to the comments of the member opposite and I want to bring this standing order to your attention.

**The Acting Speaker:** Thank you very much. I would caution the member. The point is well taken. I don't believe, though, that she actually referred to a specific case.

**Hon. Mr. Caplan:** I think she was about to.

**The Acting Speaker:** I would caution you—

**Ms. DiNovo:** I wasn't, actually. Also, Mr. Speaker, I wonder if we could roll the clock back a bit. I've lost about a minute there. Thank you.

**The Acting Speaker:** It was a legitimate point of order. I would caution you not to name the actual case. Please continue. I cannot roll the clock back.

**Ms. DiNovo:** Can I seek unanimous consent to roll the clock back? It's only a minute.

*Interjections.*

**Ms. DiNovo:** Okay, not a problem.

To continue on, just to finish up, we have some concerns here. We have concerns about the lack of the Ombudsman's involvement. We have concerns about the lack of a whistle-blower clause here, where police themselves aren't allowed to take part in the system.

Finally, and this is large, we're very concerned about funding. We have a government that has chronically underfunded legal aid, under the McGuinty government. It's to the point that 42% of legal aid cases are being turned away right now, so our concern about funding is genuine. How will this body, this director and this process be funded? There's nothing about that in the bill. Will it be adequately funded?

Our concern is that if it is not adequately funded, those who are intimidated or frightened of coming forward to the police to make their complaints, who go to the director—those complaints then won't go to an independent body, but, because of lack of funding, will go back to the police and be investigated by the very bodies that intimidate these individuals in the first place. We're very concerned that this be adequately funded. I don't see any provision in this bill for the funding of this particular provision, and the funding in general is a concern because of past performance of this government when we're looking at a body like legal aid; that's particularly apropos. Again, we've heard from stakeholders around this. We've heard concerns.

Just to conclude, certainly this is a step forward. There's no question about that. Does it need work? Absolutely. Does it need to go to committee? Absolutely. Does it need to go to public hearings? Absolutely. Certainly, we look forward to taking part in that, and certainly one of the stakeholders that would love to take part in that is aboriginal communities.

1730

**The Acting Speaker:** Questions and comments.

**Mr. David Zimmer (Willowdale):** I want to address this issue of intimidation of the police chiefs and police officers that the member for Leeds—Grenville raised.

I do find it—

**The Acting Speaker:** You must confine your comments. It's questions and comments on the debate, and the debate was from the member from Parkdale—High Park, not a previous debate in the House.

**Mr. Zimmer:** I want to speak to the issue of consultation. All the members have raised the issue of consultation. I want to point out that we've consulted widely, widely, particularly with the police forces, and it just may be—in fact it is—that as a result of those consultations, all of their thinking and their thoughts were taken into account at that time and there was no need for a formal consultation in the sense of attending at committee.

Some of the members across the way in fact have children who are police officers. If any of them were



concerned that the police officers weren't consulted with, I would have expected, given their strong concerns about consultation, that they would have urged those members of their family who are police officers to send in a submission or, indeed, to appear at the committee, make a submission and bring those concerns home.

The fact of the matter is that there were wide consultations here. This bill strikes the right balance between protecting the public from abuses by police officers and, at the same time, protecting the police officers from frivolous and vexatious complaints. If there is a frivolous and vexatious complaint, it doesn't do anybody any good. It doesn't do the complainant any good, it doesn't do the member of the public any good and it doesn't do the police forces any good to deal with that type of complaint.

**Mr. O'Toole:** I'm quite impressed with the content of the comments made by the member from Parkdale-High Park. In fact, I think the people from Parkdale-High Park should be very flattered that she's here representing them, because I know Mr. Kennedy didn't have the passion or commitment. I'm not trying to be critical or to disadvantage him in leadership aspirations federally, which he won't win anyway. But he'll be looking for a job.

My point is, quite frankly—I want to focus on part II.1 of the bill, the independent police review director. I think this is really the core part of what the people of Ontario are most interested in. They want the independence, some autonomy, some oversight and some confidence in the process. That's why our side, the opposition, Mr. Runciman and Ms. Elliott, were calling for some public hearings to be open and consulted during this legislative initiative.

If you read section 26.1, "Appointment of independent police review director," this is absolutely paramount to establish, in principle, this independence, this at least perceived condition that it's neither the police association nor the civilian oversight. I'm just going to read this section: "There shall be an independent police review director, who shall be appointed by the Lieutenant Governor in Council"—this is somewhat political, unfortunately, and probably will be something we'd be looking at—"on the recommendation of the Attorney General." With Mr. Bryant there, perhaps we would need to have some independence of that. "A person who is a police officer or former police officer shall not be appointed..." So this isn't sort of an inside-the-tent kind of thing. We're looking for independence, we're looking for accountability—that's why John Tory has encouraged us to be tacitly supportive of this bill—but we do need to have hearings on it.

**Mr. Tabuns:** I think that the member from Parkdale-High Park has outlined quite ably the concerns we have about this bill. We certainly have an interest in and support for development of an independent complaints review board. But we are concerned about the whole question of provision of support, of resources. I have had the opportunity in my riding to meet with local legal

clinics, such as East Toronto Community Legal Services and Flemingdon legal services, and they tell me about those who need legal aid and find they can't get legal aid—lawyers saying they're not interested because they can't actually pursue the cases on that basis.

I know there's a member over there who's saying, "So where is this leading?" It's leading to this: If there is not in fact an adequate allocation of funds to this board, to this commission, so it can carry out investigations that are independent—and seen to be independent—impartial and capable, then the credibility of the board, and thus the credibility of the police, in these rulings will be undermined. The protection of the public will not be there as intended by legislators and by Justice LeSage. That is a significant concern. We see this in other areas, such as the victims of crime compensation board—again, told that there were not enough funds, and so these victims have tremendous difficulty accessing the compensation.

So we see here again a potential problem, one that I would hope is addressed by the minister at the cabinet table, so that when this bill goes forward for consultation, when this bill is presented to the public, those concerns can be addressed, because they must be addressed.

**Hon. Caroline Di Cocco (Minister of Culture):** I'm pleased to respond to the member from Parkdale-High Park.

This bill is about doing what has been asked for for a very long time, and that is to provide for an independent and transparent police review system. And I say to those watching this channel that the parties here—the opposition party and the third party—support this bill. In their comments, after one supports the bill, the opposition has a role, and that role is to find whatever imperfection they can in the bill. With this one, it was difficult for them to make a strong case against the bill because of the report that was provided by Mr. LeSage, where he met with 85 groups and individuals who represented the police, community groups and the general public.

This bill is a balance. It's a balance of providing both the public with significant new options for bringing forward their concerns, and also for the police to not be totally strapped and unable to do their jobs. So we have here, I think, a really good balance.

There was a lot of consultation. It is a very good bill, something that is needed in this province. I know that all three parties in this House—we, of course, presented it and the opposition parties support it, which indicates how strong this bill is.

**The Acting Speaker:** The member from Parkdale-High Park has two minutes to respond.

**Ms. DiNovo:** Again, I don't think that what you're hearing from this side of the House is lack of support for the general nature of the bill or lack of support for the necessity of the bill. Absolutely, reform is necessary; it's essential. Right now, people are intimidated—the poorest of the poor, the ones who need it most. We've seen instances of this fairly recently. Just yesterday—again, I won't mention the name of the individual—the case of



someone with mental health issues who had had a run-in with police was before the press and before the public. This happens all too frequently, and there's no recourse—or they feel there's no recourse—right now except to walk up to those who intimidated them in the first place, those they're frightened of, and complain directly to those they see as the problem.

So obviously we need a bill. We need—

**The Acting Speaker:** Excuse me. The member from Durham is not in his seat. You're right in the line of sight. I cannot see the person speaking.

Thank you. Continue.

1740

**Ms. DiNovo:** So do we need a bill? Absolutely, we need a bill. And do we need a bill like this? I would say yes again. But is this bill complete? Does it need work? That's where I'd say we differ. It does need work. Again I point out those two particular issues—and the third is funding. Section 97, oversight by the Ombudsman: We would want to see that. We're also concerned about section 58 and the lack of whistle-blower protection. And of course the overarching concern: Where is the money? How much money is going to be put into place to back this up so that they can actually do the work that we're entrusting to them to do? Because if it's underfunded, it's worse than nothing. We see right now in our legal aid system the problems inherent in a system that's set up and underfunded. So we would ask for those changes. We would look forward to working with the government on this in committee and we would look forward also to public hearings as well with our aboriginal brothers and sisters on this bill.

**The Acting Speaker:** Further debate?

**Mr. Khalil Ramal (London—Fanshawe):** Thank you for giving me this chance and opportunity to speak in support of Bill 103. I was listening to many speakers from both sides of the House talking about the importance of this bill. I believe strongly that this bill is going to make sure that all the people in Ontario, all the different communities in Ontario, are comfortable and relaxed because they have a government looking after them.

I come from London, Ontario. In this city we have a strong police force, we have a strong police organization and we have a chief, Mr. Murray Faulkner. He looks after the city very well. All of our men and women who serve with the city police are great people. So I don't want the people of London or the people of Ontario to think this bill is against them, as was mentioned by the opposition party many different times. We have a strong belief and we have full trust in the police service in Ontario. As I mentioned, I come from London. Our police service is involved on a daily basis with many different activities, whether it be ethnic communities, multi-faith communities, multi-faith groups, women's issues, poverty issues, education, justice, at many different levels. You see them involved on a daily basis with their community. They want to know, they want to understand, they want to help the community of London, and I would imagine every group of police across the province would

do the same, to make sure that all the people of Ontario, all the people of any community, are protected.

This bill is important because so much talk across Ontario has happened, not just today but many years ago. When you see some person get killed who happened to be from a certain community, from a certain ethnic background, that whole ethnic community stands up and says, "He was killed because he's Black, he's Arab, he's Lebanese," and so on. That's why this independent review is very important, to have a civilian director oversee both sides. If you have any complaints, this complaint goes to them. Then it will be reviewed and there will be a lot of dialogue between the police and the director and many people who are involved in justice to make sure all these events happen in the right way and no one is abused during the process.

I want to commend the minister and the government of Ontario for looking at this issue, because you know, Mr. Speaker—you are from the Toronto area—how many complaints are filed to the police, how many people complain about the police abusing their authority, their system. That's why this bill will protect the police and also the community. We know that the police who put in their time and effort put their lives on the line to protect us. We also don't want to be the subjects of abuse. At the same time, we're also in charge of making sure that all the communities throughout the province of Ontario are safe. This bill will create a balanced approach for both sides.

I was thrilled and happy to see that the minister hired a qualified person who was a Chief Justice of the Ontario Supreme Court and also the former chief prosecutor of Ontario, Mr. Patrick LeSage, who has a lot of knowledge about this issue and spent day after day consulting the people of Ontario. He went to many different communities. He went to small and large communities and talked to many different organizations—about 85 organizations—from aboriginal people to police organizations, ethnic multicultural groups, women, many different organizations that were concerned about safety in this province. He elicited very important information and gave it to the minister, and that formed the bill which is being debated before us today.

I was listening to the member opposite when he was talking about the importance of this bill. But they're talking about the lack of funding. I listen to them and they're always concerned about the lack of funding. They always talk about this issue as an obstacle.

I want to say to the people of Ontario that we are concerned about many different issues. When we bring a bill forward, when we have an idea or when we have to establish an organizational directorate, when we establish a fairness commissioner, we know exactly that those establishments will cost money to function well, to deliver the goods for the people of Ontario. Right now we're not talking about how much it will cost, we're not talking about how we're going to fund it; we're talking about the importance of this bill. We're talking about the element of the bill.



You hear members of the third party and members of the opposition talking about the importance of this bill, but they doubt the government all the time. If you look at our record for the last three years, you'll see a lot of transparency, from education to health to infrastructure. People know we're not just talking, we're acting; and they see the results. When you drive on the highway—I drive from here to London every week—you see the infrastructure being rebuilt. When you go to the schools, you see them being rebuilt. When you go to many different elements from our government, you see the happiness, that people are content and accept what we do in the province of Ontario. This bill is part of it. This bill will directly affect our safety in this province, the safety of the communities, making sure that all communities in Ontario that are served by our men and women on the police forces are happy. They have to feel that those people are serving them, not coming to abuse them.

I heard the member from Toronto–Danforth mention a very important element when he was talking about many of our people in the province of Ontario coming from many different countries, new immigrants who come from police states that are governed by the police. The police are not there to protect them but to abuse them. The police are there not to help them but to kill them.

We have a strong police force in the province of Ontario, built from the community, working for the community and serving the community. That's why we want a bill to make sure that the image of the police services in Ontario is maintained, the image of protection is maintained and the image of service is maintained. We want to make sure that there is a continuous connection, a continuous dialogue between the communities and the police forces in Ontario. We want to eliminate all those perceptions and make sure that the people of Ontario are being served very well by their police forces.

I want to support the bill, not because I'm part of the government but because I believe strongly in what this bill means to many people in Ontario. As I've mentioned, not many can go directly to the police to complain because they're sometimes intimidated by the police. There are things that you cannot complain about to the people who are abusing you.

1750

They want to complain to a separate body. A civilian body understands them and they can complain to it and know that the person they are complaining to has nothing to do with the police system or cannot come back and see them again when they're driving a car or when they're walking the street etc. A civilian director is going to oversee the whole system, and I believe it is going to be fair for the police service and also is going to be fair for community members who have some kind of concern.

I strongly believe and hope that all the concerns brought by the third party and the opposition party will be eliminated when this bill goes to committee. We'll hear from many different people how important this bill is. We are willing, as a government, to listen. If there is any chance for changes, I think we are willing.

I had the chance and privilege to serve on many different committees. I know that we go with a bill, and when we finish consultations we change a lot because we listen. That's why we are here today: not to force our way, our philosophy, our agenda, but to listen to the people and consult with the people and, as a result, we come up with a good bill that is reflective of the needs and concerns of the people of the province of Ontario and make sure safety is intact and in place.

**The Acting Speaker:** Questions and comments?

**Mr. O'Toole:** It's a good thing I was actually—

*Applause.*

**The Acting Speaker:** Order, please.

**Mr. O'Toole:** Unaccustomed as I am to being appreciated—

*Interjections.*

**Mr. O'Toole:** I was pleased to see the member for London–Fanshawe rise and address what I think is often a sensitive matter dealing with policing issues. I'm not sure if he stood up as strongly during the current city of Toronto decision on relocating the dump. Perhaps he should have. We'll see some time next year if there is any cost of his inaction—that's code language for “election.”

Under part II—I never got to finish that, and I'm not sure if the member addressed that. Certainly it's all part of the independence and the accountability mechanism that I think the public that may still be listening, if they're not having dinner—it's section 26.1, and it's talking about the appointment of an independent police review director. This is absolutely fundamental. It's central to the accountability provisions under Bill 103.

What we'd like to make sure of—in here it's clear, as I said before, that the person cannot be a former police officer or police chief. So the person would have some independence and no brotherhood association, if you will. I know that this is what we all want. We want there to be a process to resolve disputes. For instance, today we passed Bill 43, which was the Clean Water Act. There was no process there to resolve disputes. But we'll work to get this bill right, and our side will certainly pay very close attention to the debate and to the public hearings that we expect will happen during the intersession.

**The Acting Speaker:** The member for Toronto–Danforth.

*Applause.*

**The Acting Speaker:** Order, please.

**Mr. Tabuns:** To those out there who are watching this—the five of you—an unusual atmosphere of non-partisan support for all speakers has broken out in the Legislature this afternoon, and I thank all of you for exhibiting that non-partisan support. This is a very rare moment, Mr. Speaker, as you are well aware—a very rare moment.

The member from London–Fanshawe talked about the concern we have to show, and that we have to realize, on the part of people who come to Canada from countries where the relationship with the police is far less—what can I say?—collegial, supportive, open; from countries



where the relationship with the police is one of fear, because police operate in a far more oppressive way. So it is very important to us, as the member from London—Fanshawe said, to ensure that we have an independent police oversight body, a complaints body that can take those concerns, take those complaints and deal with them on an impartial, fair, open basis.

If those new citizens are going to have confidence in our system, in our democracy, they have to know that they can go and speak to this impartial body, have their complaints heard and have them expeditiously investigated by investigators who have the skills to do it. That's going to require investment of funds. Again, I say to the government that making sure there are adequate resources for this body is going to be crucial to its ability to succeed.

**Mr. Berardinetti:** I want to congratulate the member from London—Fanshawe for his comments, and especially those to do with consultation. Looking at some of the consultation that we have already undertaken, Mr. LeSage conducted a thorough and extensive review of the police complaints system in Ontario and, as the member indicated, he wants more of this consultation to occur at the committee level.

Mr. LeSage met with over 200 individuals, representing more than 85 groups and organizations. Public meetings were held in Ottawa, Toronto and Windsor. He met with lists of individuals, and this has been going on since June 2005. They include the Police Association of Ontario, the Urban Alliance on Race Relations, the Association of Black Law Enforcers, the Canadian Civil Liberties Association, the Toronto Police Accountability Coalition, the Ontario Association of Chiefs of Police, the Metro Toronto Chinese and Southeast Asian Legal Clinic, the Ontario Provincial Police Association, the Toronto Police Association, the Parkdale Community Legal Services, the St. Stephen's Community House: Conflict Resolution Service, the Aboriginal Legal Services of Toronto, the Scadding Court Community Centre and Operation Black Vote Canada. He also considered many letters, which he has forwarded on to the Attorney General.

So the consultation has begun and there has been quite a lot of it, which has led to this bill in front of us today. I

know that when it goes to committee we're going to hear more from the public again, as the member has indicated we should do, and hopefully we'll come forward with a bill that will be in the best interests of all people in Ontario.

**The Acting Speaker:** Questions and comments? Any further questions and comments? Seeing none, the member from London—Fanshawe has two minutes to respond.

**Mr. Ramal:** First, I want to thank the members from Durham, Toronto—Danforth and Scarborough Southwest for their comments on my speech.

It's a very important piece of legislation before us here; there is no doubt about it: All members in the House want to support it. For partisan reasons or some technicalities, I guess, every party wants to have some kind of input, which I think is normal. I believe that when the bill goes to the committee and we listen to all the sides of the House, hopefully we'll do some amendment to reflect the views of all Ontarians, not just one party of Ontario. I think that in general the public of Ontario are going to be happy, and especially the people who have some kind of doubt about the police forces. Now, with this independent review body, we'll have some safety and some convictions about how we can protect them—and they will be protected in this province. No one in this province will be abused. No one in this province will have some kind of issue not being dealt with. This is the Ontario we're looking for. This is the Ontario I love, I like. That's why I chose Ontario to be my province, why I chose London to be my city, and that's why I chose this place to serve them and to pay them back.

This is a chance for all of us today to serve and to pay back all the people who voted for us to be in this place to make sure that safety is in place, to bring in bills and regulations and rules in order to better their life, and to make sure there is safety and to create some kind of atmosphere for all the people who live in this province.

Again, Mr. Speaker, I want to thank you and all the members who spoke in support and commented on my speech.

**The Acting Speaker:** The time now being 6 of the clock, this House stands adjourned until tomorrow at 10 a.m.

*The House adjourned at 1800.*

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.

## TABLE DES MATIÈRES

**Mercredi 18 octobre 2006**

### **PREMIÈRE LECTURE**

<b>Loi de 2006 sur les mesures budgétaires (n° 2), projet de loi 151, <i>M. Sorbara</i></b>	
Adoptée.....	5570

### **DÉCLARATIONS MINISTÉRIELLES ET RÉPONSES**

<b>Entraînement à la réanimation cardio-respiratoire dans les écoles secondaires</b>	
M. Watson.....	1401
M. Klees .....	5572
M <sup>me</sup> Martel .....	5573

### **TROISIÈME LECTURE**

<b>Loi de 2006 sur l'eau saine, projet de loi 43, <i>M<sup>me</sup> Broten</i></b>	
Adoptée.....	5574
<b>Loi de 2006 sur l'accès à la justice, projet de loi 14, <i>M. Bryant</i></b>	
Vote différé .....	5587

### **DEUXIÈME LECTURE**

<b>Loi de 2006 sur l'examen indépendant de la police, projet de loi 103, <i>M. Bryant</i></b>	
Débat présumé ajourné.....	5604



# CONTENTS

Wednesday 18 October 2006

## MEMBERS' STATEMENTS

<b>Chicken farmers</b>	
Mr. Barrett .....	5567
Mrs. Mitchell .....	5569
<b>Chine Drive Public School</b>	
Mr. Berardinetti .....	5567
<b>Access to health care</b>	
Mr. Klees .....	5567
<b>Forest industry</b>	
Ms. Martel .....	5567
<b>Academic testing</b>	
Mrs. Jeffrey .....	5568
<b>Legal aid</b>	
Mrs. Elliott .....	5568
<b>Cogeneration</b>	
Mr. Oraziotti .....	5568
<b>Leader of the Opposition</b>	
Mr. Wilkinson .....	5569

## REPORTS BY COMMITTEES

<b>Standing committee on government agencies</b>	
The Speaker .....	5569
Report deemed adopted .....	5570

## FIRST READINGS

<b>Budget Measures Act, 2006 (No. 2),</b>	
Bill 151, <i>Mr. Sorbara</i>	
Agreed to .....	5570
Mr. Sorbara .....	5570

## MOTIONS

<b>Private members' public business</b>	
Mr. Bradley .....	5570
Agreed to .....	5570

## STATEMENTS BY THE MINISTRY AND RESPONSES

<b>CPR training in high schools</b>	
Mr. Watson .....	5570
Mr. Klees .....	5572
Ms. Martel .....	5573
<b>Persons Day</b>	
Ms. Papatello .....	5571
Mrs. Elliott .....	5572
Ms. DiNovo .....	5573

## ORAL QUESTIONS

<b>Job creation</b>	
Mr. Chudleigh .....	5574
Mr. Sorbara .....	5574
<b>Violence in entertainment</b>	
Mr. Runciman .....	5575
Mr. Bryant .....	5575
Mr. Phillips .....	5576
<b>Children's aid societies</b>	
Mr. Hampton .....	5576
Mr. McGuinty .....	5576
<b>Hospital services</b>	
Mr. Hampton .....	5577
Mr. McGuinty .....	5577
<b>Tourism</b>	
Mr. Arnott .....	5578
Mr. Bradley .....	5578
<b>Water quality</b>	
Mr. Tabuns .....	5579
Ms. Broten .....	5579
<b>Access to health care</b>	
Mrs. Mitchell .....	5579
Mr. Smitherman .....	5579
<b>Hydro rates</b>	
Mr. Yakabuski .....	5580
Mr. Duncan .....	5580
<b>Occupational health and safety</b>	
Mr. Kormos .....	5581
Mr. Peters .....	5581
<b>Automotive industry</b>	
Mr. Crozier .....	5581
Ms. Papatello .....	5581
<b>Assistance to the disabled</b>	
Mr. Martiniuk .....	5582
Mrs. Meilleur .....	5582
<b>Property taxation</b>	
Mr. Prue .....	5582
Mr. Sorbara .....	5583
<b>Immigrants</b>	
Mrs. Sandals .....	5583
Mr. Colle .....	5583

## PETITIONS

<b>Property rights</b>	
Mr. Chudleigh .....	5584
<b>Long-term care</b>	
Mr. Kormos .....	5584
Ms. Martel .....	5585, 5586
Mr. O'Toole .....	5585
Ms. DiNovo .....	5586

## Immigrants' skills

Mr. Leal .....	5584
Mr. Delaney .....	5585
Mr. Ruprecht .....	5587

## Doctor shortage

Mr. Murdoch .....	5585
-------------------	------

## School facilities

Mr. Wilson .....	5586
------------------	------

## Water quality

Mr. O'Toole .....	5587
-------------------	------

## THIRD READINGS

### Clean Water Act, 2006, Bill 43,

<i>Ms. Broten</i>	
Agreed to .....	5574

### Access to Justice Act, 2006, Bill 14,

<i>Mr. Bryant</i>	
Vote deferred .....	5587

## SECOND READINGS

### Independent Police Review Act, 2006, Bill 103, *Mr. Bryant*

Mr. Berardinetti .....	5588, 5590, 5604
Mr. O'Toole .....	5589, 5596, 5601, 5603
Ms. DiNovo .....	5590, 5597, 5601
Mr. Leal .....	5590
Mr. Runciman .....	5591
Mrs. Elliott .....	5593, 5597
Mr. Tabuns .....	5596, 5601, 5603
Mrs. Mitchell .....	5596
Mr. Zimmer .....	5600
Ms. Di Cocco .....	5601
Mr. Ramal .....	5602, 5604
Debate deemed adjourned .....	5604

## OTHER BUSINESS

### Visitors

The Speaker .....	5569
Mr. Ruprecht .....	5574

### Correction of record

Mr. O'Toole .....	5569
-------------------	------

### Order and decorum in chamber

Mr. Klees .....	5583
-----------------	------

*Continued overleaf*



No. 110

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of Ontario**Second Session, 38<sup>th</sup> Parliament**Assemblée législative  
de l'Ontario**Deuxième session, 38<sup>e</sup> législature**Official Report  
of Debates  
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Thursday 19 October 2006

Jeudi 19 octobre 2006

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 19 October 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 19 octobre 2006

*The House met at 1000.  
Prayers.*

### PRIVATE MEMBERS' PUBLIC BUSINESS

#### LAND RIGHTS AND RESPONSIBILITIES ACT, 2006 LOI DE 2006 SUR LES DROITS ET RESPONSABILITÉS EN MATIÈRE DE BIENS-FONDS

Mr. Barrett moved second reading of the following bill:

Bill 57, An Act to amend the Expropriations Act and the Human Rights Code with respect to land rights and responsibilities / *Projet de loi 57, Loi modifiant la Loi sur l'expropriation et le Code des droits de la personne en ce qui a trait aux droits et responsabilités en matière de biens-fonds.*

**The Deputy Speaker (Mr. Bruce Crozier):** Pursuant to standing order 96, Mr. Barrett, you have up to 10 minutes.

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** It's with great pleasure that I rise in this Legislature today to speak to the proposed Land Rights and Responsibilities Act, 2006.

Years ago, my great-grandfather Theobald Butler Barrett sat on his front porch, shotgun in hand, to prevent the railway from coming through his property. He lost. He was forced to move his house back 200 feet to make room for the tracks. My father lives in that house now.

In the 1960s, my grandfather Theobald Butler Barrett and father, Harry B., were surprised to find survey stakes—these were one inch by one inch by three feet long—across the front field where my wife and I eventually built our house. For the second time, our family and our neighbours had to fight against the railway coming across our land. That time, we won. These are battles that shouldn't have to be fought, and if props were allowed, I would have brought in those large iron survey stakes. I've been pulling them out for years when I do the fall ploughing.

If we step back and take a look at the direction of our political and judicial systems, it's clear that, in Ontario and Canada, we essentially have rights societies. Just to explain, it means that our political and judicial systems are premised on so-called negative rights, or freedom from various incursions by either government or fellow

citizens. The Charter of Rights is a prime example. It gives government a rule book. Government cannot violate our democratic rights. It cannot violate mobility rights, legal rights, language rights, our fundamental freedom. If a government chooses to pass a law violating those rights, the courts step in and say, "With respect, you can't do that. You cannot pass laws violating people's rights." So in that sense we can see a dialogue between the courts and Parliament.

The Canadian Bill of Rights is another example of a document that gives Canadians certain defined rights vis-à-vis government. We all recall that this was introduced by Prime Minister Diefenbaker in 1960. The Bill of Rights was intended as a safeguard against rights intrusions by the federal government. I'd like to read a relevant passage from the Bill of Rights: "It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

"(a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law."

That's important, in my books. What it says is that, as of 1960, Canadians had the right to enjoy property and to not be deprived of their property except by due process of law. It's something that essentially goes back to the year 1215, when we all recall the Magna Carta was signed.

Sadly, what Diefenbaker giveth, Trudeau taketh away. For whatever reason, Trudeau took away property rights when he drafted the much more powerful Charter of Rights and Freedoms. This is a wrong that Prime Minister Harper indicated during the last federal election debate he'd like to fix. To that end, Bill 57 is a start; it's a bit of a step. If passed, Bill 57 would not solve all problems facing rural property owners, but it will show the rest of the country that Ontario is onside with land rights.

Now, Prime Minister Harper won't be able to strengthen the charter on his own. He'll need to know that provinces, Ontario included, are onside of a strong charter. By passing Bill 57, the Ontario Legislature can initiate a conversation across Canada, a debate about the need to give landowners and tenants stronger rights. So on this journey of a thousand miles, Bill 57 is a first step.

I'd like to outline some of the new rights I'm offering to Ontarians through this bill.

Under the Expropriations Act, an inquiry officer on an inquiry is required to consider the merits of the objectives



of the expropriating authority and to add, as parties to an expropriation inquiry, the owners of all lands affected by expropriation. The decision of an approving authority is subject to judicial review.

The amendments to the Human Rights Code recognize, subject to specific limitations at law, the right to peaceful enjoyment of one's land, the moral responsibility to maintain it and the right to freedom from search of one's property and home and from seizure of anything from it. Those rights have long been recognized at common law, as I mentioned, but are largely missing from the Canadian Charter of Rights and Freedoms.

Among the most unfortunate components of a rights society is the perceived imbalance between rights and responsibilities. I've always believed that with rights come responsibilities, something that I felt should be reflected in Ontario law. To that end, I propose to balance land rights with land responsibilities by adding the following text to the Human Rights Code: "In addition to whatever duties are specified by law, every person has the moral responsibility to ensure that his or her land is maintained to a presentable standard in keeping with such factors as the legal uses to which the land is put and the character of the community in which the land is located."

As lawmakers, it's important to make laws that benefit all of Ontario. We shouldn't pick and choose whose interests we intend to champion. That's why I feel I've gone out of my way to make no distinction between tenants and landowners when it comes to government's obligation to respect.

When it comes time to vote on Bill 57, all of us in this House will be showing where we stand on a number of important issues. By supporting Bill 57, MPPs can show that they're on the side of giving tenants the right to peacefully enjoy their home without intrusion. By supporting Bill 57, MPPs can show their commitment to giving private landowners the right to appeal when their land is under attack. By supporting Bill 57, MPPs can show where they stand on basic human rights. Opposing this legislation, in my view, means opposing basic rights documents like the 1960 Canadian Bill of Rights.

1010

I would like to thank the number of people whose insight and ideas were instrumental in helping me to draft this much-needed legislation. My first crack at property rights legislation in this House was 11 years ago. At that time, I got a great deal of assistance, and continue to do, so from the Ontario Real Estate Association.

As well, I want to acknowledge the help of Jim White and Bob Fowler. They're with OPERA, the Ontario Property and Environmental Rights Alliance. They've given me a wealth of information and support over the past 11 years, as recently as a phone call last night. They're members of a group, OPERA, whose mission is "to protect and entrench in law the rights and responsibilities of private landowners against arbitrary restrictions and decisions of government."

I'll also mention OLA, the Ontario Landowners Association. They tell us what they consider to be "the

government's plan and strategy to attack rural landowners and their economy," a plan that is "taking our land—for their use."

Sometimes the government does need to expropriate land, and in those circumstances it should first state its case, give the landowner a fair chance to appeal, and then, if the expropriation is still deemed worthy, buy the land.

This bill is important. Property comes in many forms. First of all, there's intellectual property, music patents and trademark. I'm not dealing with that in this legislation. I did 11 years ago, but constituents don't come to my office with concerns about patents on music. It's more concern around greater protection against government coming onto their land or taking the land itself. Why can't an expropriating authority be asked to state its case and explain why the land must be expropriated?

On the most basic level, we shouldn't need legislation protecting private land rights, but we do, because Ontario's landowners and many rural landowners have been poorly treated, in my view, having been in contact with a number of these people. The best solution would be for government to respect rural landowners, to respect tenants, but until that day arrives, until the government here wakes up to the crisis in rural Ontario, we need plan B, and plan B is the Land Rights and Responsibilities Act, 2006.

In closing, I'd like to call on all present MPPs to stand up for their constituents: Stand up for your constituents who rent their homes, stand up for your constituents who own private land and stand up for your constituents who want us as legislators to affirm that with rights come responsibilities. Thank you.

**The Deputy Speaker:** Further debate?

**Mr. Tony Ruprecht (Davenport):** Since my time is fairly limited, I'll confine my remarks to ask the member two questions, and I hope he will respond to them.

Bill 57 before us has the effect of recognizing that land expropriation is a denial of private property rights and is grounds for discrimination in the Human Rights Code. The member's bill proposes to amend the Human Rights Code to enshrine property rights. Normally, I support the member from Haldimand-Norfolk-Brant, because he's trying to enshrine a law that will curtail the power, especially the prying eyes, of government and maintain some sense of independence and expand the powers of freedom for the individual. That obviously is a very noble sentiment, and I essentially agree with that sentiment.

But I have two questions that really bother me about this bill, and I will ask them. The first one is that, as it stands right now, we have Bill 107 before the Legislature, especially before committee. It's the Human Rights Code Amendment Act, 2006. The standing committee on justice policy is right now pursuing that legislation, and Bill 107 would significantly reform the human rights system in Ontario. During the extensive consultations on Bill 107, the Human Rights Code Amendment Act, the need to protect private property rights was not



identified by the stakeholders, who were all there, as something that required reform. That is very important to understand. My question to the member then is, why is it that Bill 107 before the standing committee did not say it's ultimately important? Our stakeholders are saying, "Yes, what we need to do is enshrine privacy rights."

The second question I have is that the member from Haldimand-Norfolk-Brant had proposed similar legislation, if not the same bill, in 1995. You remember that, Mr. Speaker. It was called the Property Rights Statute Law Amendment Act, Bill 11; I know you remember that one. This bill received first reading, as the member knows, on October 30, 1995, and went to second reading on November 2. At the time, it was sent to committee for review and effectively died. Bill 11, as it was called then, was introduced by the member at a time when his own party was governing, and his bill died specifically. Also, when the governing party was operating, it performed land expropriations just like any other government.

My questions are simply this: Why did the stakeholders on Bill 107 say it's not that important? Secondly, why is it that Bill 11, introduced by this member to this House, died and was not deemed to be significant by his own party? Those are my questions. I'm delighted to add to my comments perhaps a bit later.

**Mr. Jim Wilson (Simcoe-Grey):** In the three minutes I have, I do want to support my colleague and Bill 57. I think Mr. Barrett is doing us a real service in terms of trying to get the government of Ontario involved in a discussion which needs to be had in this country. We used to have property rights. My colleague appropriately outlined that those property rights were very much entrenched in Canadian law prior to the 1982 Charter of Rights and Freedoms that Mr. Trudeau gave us, and it's become unclear, even in case law, whether or not we have property rights.

Prior to the 1982 Charter of Rights and the repatriation of the Constitution, we had, as he mentioned—in 1215 the Magna Carta was signed. It included property rights. The right to own property was also included in the English Bill of Rights in 1689. In 1948, Canada signed the United Nations Universal Declaration of Human Rights. Article 17 reads: "(1) Everyone has the right to own property alone as well as in association with others"; and "(2) No one shall be arbitrarily deprived of his property." Property rights are also recognized in the 1960 Canadian Bill of Rights, which affirms the right of the individual to the enjoyment of property and the right not to be deprived thereof except by due process of law. Clearly then, it is arguable that our Constitution should be brought into line with these historical documents.

In the Progressive Conservative Party in Ontario, we also practise property rights. In response to a question one day about Highway 26, the expropriation there and the government cancelling that highway, one of the ministers said to me, "You should have done it sooner." Well, we did it as fast as we could and also recognize the rights of over 100 landowners. Cabinet could have, of course, with a stroke of the pen, expropriated that land in

about a week. We gave them two years. We followed the full due process of property rights and we allowed people to appeal, because the first offer the government gives you may not be the best offer. We allowed people to appeal, and a handful of those more than 100 property owners did appeal. So we practise what we preach. Even though it would have been more expedient to just take the property, pave it over and get the highway done in two years, we allowed people full property rights in that process.

**Mr. Gilles Bisson (Timmins-James Bay):** This is an interesting bill, I must say. I had a bit of an opportunity to read it in some detail prior to today, but I had a chance to refresh my memory about five minutes ago. I just want to say up front that I will be supporting this particular bill. New Democrats all believe that people have a need for property rights. But I want to talk about it from a bit of a different perspective.

First of all, what the member is trying to get at is the whole issue of expropriation. I think it's fair to say that at times, with the power of the government, what you're paid for expropriation may not necessarily be the actual worth of the property. We need some mechanisms to make sure that there is a process by which, if it is to be expropriated, it's done at least in a fair manner. I think that's reasonable.

I know a lot of people will look at this as a right-wing issue, and that is what I want to speak to. Some people will look at this and say this is traditionally a position that the right wing of the political spectrum will take, but I think this is an issue that both left and right can agree on, and that is that in a free and democratic society, we have the right to purchase property, and then, when we have that property, we should have some rights to enjoy it. I want to speak a little on where I think we are deficient in this society when it comes to being able to enjoy that property.

1020

For example, I look at what's happening with property taxes in Ontario. We have an assessment system that has basically gone crazy. We're charging assessments on values that are quite out of whack at times with the actual value of the property. And in some cases the value might be right, but the taxation level imposed is such that the person can't afford to pay because they don't have the means.

So the first issue I look at is what's happened under MPAC with regard to a lot of the assessments in the communities I represent. We now have a system where, rather than sending an assessor to assess the actual property to say how much it is worth, we're saying, "Let's look at a computer model of the neighbourhood to establish what the sale of houses were in that particular neighbourhood." If all of a sudden somebody got lucky and sold a house for more than it should have sold for because the purchaser was prepared to pay, for whatever reason, everybody's building is then assessed at that value. We had situations in Moonbeam, Kapuskasing, Timmins and others where assessed property values in



those communities went up 20% and 40% when in fact there was a decrease in the housing market. It made absolutely no sense.

We all know that municipalities then use the assessed value as the means by which they charge local property tax to the property owner, so people's taxes were going through the roof and people were just wild—rightfully so. When we talk about property rights, we need to talk about a fair property tax assessment system that takes into consideration all the factors, that not only looks at the value of the property but also to what degree the homeowner or property owner is able to pay the tax burden. I've talked to people in my community where I'm astounded that they're paying as much as \$6,000 a year for property taxes on a property that, if you were to sell it, wouldn't reflect that value. I say to myself, put it in simple math. When a person has to pay \$500 a month in property tax, there's something wrong.

If I have a larger business where I'm making revenue and I've got a large business enterprise going, I understand that I'm probably going to pay a tax higher than \$500 a month. That ain't my argument. But for a property owner to pay \$500 a month on a municipal tax assessment system, I think it's out of whack. I don't know a lot of people in my community who could afford to pay that. Yet they have to, and it means that both mom and dad have to work, and that gets to the whole issue that parents can't make choices that maybe somebody should stay home and take care of the young ones before they go to school. All of those issues are brought into play. From the perspective of being able to enjoy one's property, we need to reform our property assessment system so it reflects that view. My good friend and colleague Michael Prue will be releasing a document this Friday on that very issue, talking about how we need to reform the property tax system.

Another thing from the perspective of being able to enjoy one's property is the whole issue of where we're at when it comes to people being able to afford to retire, period. I want to speak to that very quickly because it also affects the issue of being able to enjoy one's property. There are many seniors out there who retire today and don't have an adequate income for retirement. In fact, a lot of times they're not seniors; they're laid-off older workers in their late 50s or early 60s who don't have a good pension. Fully 60% of the Ontario population doesn't have any pension at all and 80% don't have adequate pensions. They may be forced to retire because of a layoff situation in their community. I look at Smooth Rock Falls as a good example of that, where that mill, the only employer in town, has closed down and there aren't a lot of places for the older workers to go. What do you do if you're 55, 56, 57 years old and all of a sudden you're faced with selling your House, but there's no value because property values have gone down? Now everybody wants to sell a house and nobody wants to buy a house, so the prices go down. What does that worker do? Again, we're stuck. To me, it speaks to this particular issue of people's property rights. The person purchased the property and, through no fault of their own, because

the mill has shut down, is in the situation where they can't sell the property, can't afford to sell the property, so they've got to hang on to it. So they either retire in their community in poverty—or not in poverty; that's a bit strong. They retire in their community without adequate means to have a good standard of life, or they move out of the community and have to maintain a property that they don't want to hang on to but can't sell.

Again, it speaks to the issue of property rights. We need legislation in this province where we look at the issue of pensions and say to ourselves that we need to have a system of pensions in this province that allows all Ontarians the ability to, over a period of time, build adequate pensions so that they can retire with some dignity and comfort.

I look at some things we could do in this Legislature that would be all that simple to do and, in the long term, would make all that much difference. That is, we should make all pensions portable. It's nuts in our society today where we know nobody works in a plant for 30 years anymore. That is the exception. We have to recognize that the workplace today is five years here, 10 years there, two months here, and you move on to different employers. You should have the right to transfer your pension with you, no matter where you go.

There are mechanisms by which you can do that, and I don't have time in this debate to get into it, but you have to enshrine in the pension legislation the whole issue of portability, so that workers can bring their pensions with them to various workplaces, be it a private workplace, a private employer, or a public employer, and be able to transfer those pensions over.

I argue that we should mandate pensions. Oh, that's really scary to some, but I think we need to mandate pensions. I think we have to have in Ontario a pension system that basically everybody pays into, above and beyond what we pay for Canada pension, so that when you turn 60, with a combination of Canada pension and whatever pension plan you have through your work life, you're able to retire with a decent income. I think it would be to Ontario's net benefit if we were to do that, because it would mean that people in their later years, mid-years, as some might want to call it, in their mid-50s, when they're faced with the situation of possibly having to retire because of circumstances that are out of their control when it comes to the only employer in town closing—such as what we saw in Smooth Rock Falls or Opasatika or others—would then at least have an option and be able to say, "I can maintain my property, I can maintain my standard of living, and I can stay within my community. I don't have to uproot and change all of my life."

I just say to people out there, think about it. You have workers in communities like Smooth Rock Falls and others who were raised in that community, who have a lifestyle that is specific to that community, and all of a sudden, at age 50 or late 40s, are faced with turning their entire life upside down and saying, "You've got to move away and go somewhere else." If you're younger, that's a lot easier to do, but if you're older and closer to your



retirement, it's much more difficult to do. So I say it also impacts on the issue of property rights, and I think we have to have a mechanism to allow seniors to keep their homes by having a level of taxation on the municipal side that is reasonable and reflects their income, but at the same time, we need to have on the revenue side, for seniors and older adults who retire, a pension system that allows them to do that with some dignity.

I look at the issues of the Human Rights Code which the member wants to amend in Bill 57, and I've got to take the last five minutes and go on to one of the issues that I know Mr. Barrett takes very seriously; I certainly do, and I'm sure other members do as well. That is the issue of human rights as it affects First Nations. Listen, I just came out of a meeting this morning. I was meeting with Lawrence Baxter from Nishnawbe Aski Nation, who's the welfare director, I guess, in charge of the community and social services side of NAN. We were talking about the poverty within those communities. Well, talk about property rights—there's no property right on reserves. That's one of the fundamental problems we've got.

If we have Caledonia today, it's because of that lack of will on the part of federal and provincial governments to give aboriginal people the right of property. So when they don't have that right, what do you think they do? They go out and do what happened in Caledonia. People may be upset with the people from Six Nations for having done what they've done, but I think we need to understand the context in which it has happened. I say it is also a fundamental issue of property rights. You are not allowed, as a First Nation citizen of this province and this country, to own property on your own reserve.

Can you imagine living in your own communities, as MPPs—most of us own houses here, right? Imagine you lived in your community—in my case, Timmins—and you could not own the property on which your house sits. How alienated would you feel? In our European concept of property rights and ownership, where much of this comes from, is the history of the development of property rights. We understand that a fundamental part of being able to own your own home is to own the property. Well, in First Nations, we say, "You don't have that right." I think if we're going to amend the Human Rights Code, one of the things I'd like to raise in committee—I know we can't do it in this particular debate and it may not be a subject specifically for this bill—is that we need to take a look at the issue of property rights for First Nations people. We have to be able to say that they too are citizens of Ontario, they too are citizens of Canada. We need to make sure that they enjoy the basic benefits of living within our society, and one of those is the issue of property rights. Why is it that, in our modern society of Canada, a country that is seen as a leader in the world when it comes to human rights, we allow saying to First Nations people, "You don't have property rights"? It is absurd. Then we wonder why First Nations people blockade the highway or blockade a housing development. This is one of the fundamental issues that's the core of all of this.

1030

I just think that in our own capacity, in our own ability as a Legislature, we need to amend our laws and then work with our federal government to force them to do the same and start recognizing that First Nations people, no matter where they live in this country, and in our case this province, are citizens of the province and citizens of the country and should have the basic benefits. I say to those people who may be watching the debate and who say, "Oh, yeah, but they have it so well off over there"—I was talking to Lawrence about that this morning, the attitude of some who say, "Well, they live on reserve, they get free Ski-Doos every two years, they get a free house, they get a cheque sent every month. Life is grand." Well, I say to all of you, go live on a reserve for a month. I'll pick a few for you. I'll pick some of the better ones. You're going to come back after a month and tell me, "My God, how did we allow this to happen?"

I say to all of us, let's give our collective heads a shake and start to recognize that an injustice to one is an injustice to all. The quicker we realize that First Nations people have been left behind far too often in our society when it comes to mainstream decisions around rights—we have left First Nations people behind, and then we wonder why they're out protesting on the highway or the property development. I say it's because we've left them behind far too long.

Also in regard to this particular bill, there is the concept of allowing—I forget the term he uses—a mechanism by which we're able to object to a decision of expropriation. I support wholly that concept. I accept on the one side that society, in other words government, needs to expropriate property from time to time for the greater good of society or for a development that is needed—a water plant has to be built or whatever it might be. But certainly we need to say that if a person's property is going to be expropriated, there needs to be a mechanism so that property owners are able to defend themselves, make the points as to why he or she feels that the property should not be expropriated and block the expropriation if need be, and/or if it is going to be expropriated for reasons of the common good, there's adequate compensation to the individual who's being affected by the expropriation. I take it that's what the member is trying to get at when he talks in regard to this particular bill—I think it's under section 3 of the Expropriation Act. First of all, there's a judicial review to review the process—I forget what it's called. There's some sort of a body in there that you'd be able to appeal to, and I think that makes ultimate sense.

I just want to say that we support, as New Democrats, the concept. We understand that there are issues. We don't believe that society doesn't have a certain right, but we certainly have to give people a fair process in that process.

**Mr. Jeff Leal (Peterborough):** Indeed, this is an interesting discussion on Bill 57, but I think we must review the historical context somewhat. During the 1982 constitutional discussions, the Prime Minister of the day,



Mr. Trudeau, did in fact offer to make property rights part of the Charter of Rights and Freedoms. At that particular time, that offer by Prime Minister Trudeau was rejected by Premiers Davis, Lougheed and Blakeney, and the most vociferous opponent of enshrining property rights in 1982 was Premier Sterling Lyon of Manitoba. Why were they opposed to property rights being enshrined in the Charter of Rights and Freedoms in 1982? Well, it was done because they raised the issue of provincial jurisdiction in terms of expropriation, dealing with hydro corridors, which was particularly of interest to the government of Manitoba; the building of provincial highways, which was of interest to all four Premiers; and other projects of provincial interest.

In fact, municipalities also had concerns about enshrining property rights in 1982. The best example I can give you is something that's fairly simple in nature: the acquisition of daylight radii when one improves an intersection within a community to enhance safety for both pedestrians and vehicular movement. That indeed was something that was brought to the table and rejected. Then what happened in 1982, of course, was that in order for the Prime Minister of the day, Mr. Trudeau, to get his Charter of Rights and Freedoms, the Premiers insisted that a notwithstanding clause be put into the Constitution.

Indeed these are the issues. I happen to view it from the position that if you want to enshrine property rights, there should be an amendment made to the Constitution of Canada, along with the elimination of the Senate, which I also believe in. I think it's at that level of the Prime Minister of the day, Mr. Harper, and the current crop of provincial Premiers, if they're insistent that property rights should be enshrined, that it should be done properly in the Canadian Constitution.

**Ms. Lisa MacLeod (Nepean—Carleton):** I'm very happy to support my colleague Toby Barrett today with Bill 57. I also want to compliment him, and I want to compliment his assistant, Josh Deming, who's been working very hard on this. He's over in the gallery right now. They've done a tremendous job, and I'm very happy to have worked with their office on numerous occasions. This is a very important issue in rural Ottawa, Nepean—Carleton, Carleton—Mississippi Mills, some of those key constituencies where farmers and landowners are always worried about the intrusion of government.

I talked to people like Tom and Marlene Black, Jack McLaren, J. P. Dory and Roger Graves. They all talked to me about the issues regarding property and its protection and the responsibilities that come with it. I'm happy that Toby Barrett's office has been such a great resource to me. I support his proposed legislation because he understands one indelible and inherent fact: that we in Ontario should have the right to enjoy our land and our homes.

Never before has it been so important for us in this Legislative Assembly to discuss issues on land rights and the responsibilities that come them with the passage of the Clean Water Act just this week, as well as the continued crafting, drafting and passing by this Liberal gov-

ernment of several other pieces of legislation that have and will continue to diminish the rights of landowners across Ontario. Mr. Barrett's legislation is both timely and sound.

While preparing for today's debate, I came across an old Edmonton Journal article from October 2003, written by a well-known columnist, Lorne Gunter. He simply states in his article why the time for land right protection is now. He says in 2003:

"Both of the following statements were made within the past three months. One is from Canada, the other from Communist China. Which is which?"

"(a) 'The government has the right to expropriate property, even without compensation, if it has made its intention clear.'

"(b) 'We should protect all kinds of property ownership—including private ownership.'"

With the quote now closed, I can tell you it was a trick question. The government that has the right to expropriate even without compensation is Canada, not Communist China. He says:

"If, indeed, the businesses and farm plots of China's entrepreneurs and landowners are now constitutionally protected, the Chinese have one up on Canadian ... landowners. In Canada, there are no constitutional safeguards for private property, and increasingly few common law protections, either."

Can you imagine this? Communist China actually affords greater land right protection than Canada does.

That's in some jurisdictions anyway, and I want to correct what my good friend from Peterborough said. Some provinces in Canada have enacted land right protection in the absence of federal property rights. In fact, during the constitutional debates that were led by his hero Pierre Elliott Trudeau, and the repatriation of our Constitution, and the Charter of Rights and Freedoms, former Alberta Premier Peter Lougheed told Lorne Gunter in this same article, "'This [property rights] was a very short, 10-minute bargaining session.'"

So his province, along with Quebec and the Yukon, has statutory protection on property rights in place to remedy Pierre Trudeau's wrongs, which begs the question: Why would Canada's economic engine, Canada's most diverse province and Canada's most populous jurisdiction not enshrine similar statutory protections?

**1040**

With this piece of legislation, we will be taking an important first step today. Bill 57, An Act to amend the Expropriations Act and the Human Rights Code with respect to land rights and responsibilities, finally recognizes the need in Ontario and Canada to provide landowners with a public hearing for compensation when their land is unfairly expropriated. Bill 57 will finally make it difficult for this Legislature to take property and not pay compensation, and Bill 57, if you can believe it, finally puts Ontario on an equal footing with Communist China with respect to land rights.

Right now there's a very important distinction—

**Interjection:** It's laughable.



**Ms. MacLeod:** It is laughable, actually.

Right now there's a very important distinction between legislative or constitutional protection of lands and how land rights are dealt with in common law. In this place, we can find certain circumstances to ensure our Liberal colleagues' will of protection in one-off pieces of legislation and in common law, but in 2001 Karen Selick wrote about the current predicament we are in in Canada and Ontario. She says: "If the Legislature decides that it wants to take your property and not pay compensation, then there's nothing"—absolutely nothing—"to stop it from enacting legislation which explicitly disentitles you to compensation. The courts have said only that compensation must be paid if the statute is silent."

It is increasingly important that this piece of legislation passes so that farmers in my community, who are farming on the Jock River or on provincially designated wetlands in Goulbourn, won't ever have to worry again whether or not their lands will be expropriated and their livelihoods destroyed by this government. Once and for all, under Bill 57 there would be, in this province of Ontario, a guarantee that this Legislature could not expropriate without a view to compensate. For this reason I support my colleague Toby Barrett and I support Bill 57.

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** I think in a lot of ways most of us in our initial responses would support property rights. But as I look at that particular bill, I'm not sure what's happening, and as I listen to the debate, I'm even more unsure of what's happening here. I hear them talking about farmland rights, how this will impact on farmers and that there's a crisis out there, and I'm not sure how this is supposed to work. I see farmland and the ability of farmers to have property rights over their farmland as very important, but I also see it as important in terms of the whole community. When you have an opportunity to exercise certain farm rights or farmland rights and you can do with your property as you see fit, there's also the potential for conflict and negative impacts upon your neighbours.

When I look at my own farm situation, I worry about the fact that maybe my neighbour can take his farmland and turn it into something that isn't farmland. I don't understand how we can get around the issues of zoning. How do we get around the issues of land use that we have out there currently? In terms of things such as expropriation—and I've seen expropriation in areas, in my own community. When Highway 402 was put through, there was a process for the farmers who had expropriation through their properties for that highway.

The Expropriations Act gives those rights to those farmers. The authority that wants to expropriate the property first of all has to give notice. They have to notify each of the registered landowners. Then the owners have the opportunity to request a hearing at which they can justify their reasons for not wanting to have an expropriation. There's the opportunity for an inquiry, and that inquiry then reports back to the approving authority. The approving authority of course has the option to make a decision of its own. It does not have to take the inquiry's

recommendations. Nevertheless, when they do that, they still have to give written reason for why they've done that, so at that point the written reasons are there. If the authority still proceeds and they decide that they're going to expropriate, they have to register that plan with the land registry office, they have to serve notice to the owners of that expropriation and they have to start negotiating compensation. They have to not only negotiate compensation with the owner of the land; they have to negotiate it with the tenant as well.

We all know that sometimes negotiations don't go well, so there are appeal mechanisms available to those landowners. They can, first of all, ask for a board of negotiation, which is appointed by cabinet, or they can go to arbitration, which is through the Ontario Municipal Board. If all else fails and the landowner is still not satisfied with what happens, they can go to Divisional Court. That exists currently in the Expropriations Act. They have all kinds of opportunities to appeal, and there are time limits on all of those situations in all parts of that process. It isn't as if somebody can just drag it out forever.

But when I look at this bill, as much as I want to support it—and I certainly understand the member for Timmins-James Bay's issue around First Nations and aboriginal rights to property; I absolutely agree with you—I still have concerns about what this will do. I think we're opening the door here to a lot of potential for conflict if we allow people to be able to simply exercise property rights. We're talking about expropriation, but property rights are more than just the ability to fight expropriation. They're the ability to do with your property anything that you feel is fit. It doesn't necessarily mean that it has to agree with what your neighbours like. I'm very uncomfortable with this, so at this point I have to say that I'm really not able to support this.

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** It's a pleasure to join the discussion and debate this morning on Bill 57 on behalf of my colleague from Haldimand-Norfolk-Brant, Mr. Barrett, who has been a tireless defender of property rights in this Legislature and outside of it for some time. I certainly have to agree with and support his bill and his position on the right to own property.

Notwithstanding what the government members have been saying about the concerns and everything, this was something that we actually had in this country until Pierre Trudeau and the repatriation of the Constitution in 1982. So it's something that we had that was taken away. I didn't notice that the country had fallen apart prior to 1982 with the right to own that property. That fear-mongering on the part of the government is exactly what they do and a way they tend to try to wedge rural Ontario and urban Ontario, which they've done in a number of bills in this Legislature.

Mr. Barrett's bill, let's be perfectly clear here, does not give unfettered rights to the property owner. It is balanced with the responsibility to care for and treat that land in a proper fashion with regard to the character of



the community, the legal use, the environment and all of those kinds of concerns. That responsibility balances against the rights of that property owner, but it also places the burden on the government to make a case if that property is in a situation where the government feels that it is necessary to expropriate or acquire that property through expropriation for the public good, for the good of society. That is a key component that is missing today. The government doesn't have to make that case because those property rights are not there. So if it chooses, the right of the property owner to appeal doesn't exist.

This is something that has caused a great deal of consternation with rural landowners in this province. Rural landowners in my riding—the Renfrew County Private Landowners Association and the Ontario Landowners Association, Renfrew county chapter—are very concerned with the fact that they see government as having unfettered ability to dictate to landowners, many of those people whose land has been in the family for generations, whose land has been in the family since long before Canada was a country. Those people are very concerned that for no reason whatsoever, just because the government decides, they now have the right to do as they wish with that person's property, without proper compensation. This is a big issue in Bill 43, the Clean Water Act, where rural landowners could have their rights simply taken away because the government and the conservation authority or the protection authority decides that must be done. So that is a huge concern for rural landowners. What Mr. Barrett is saying today is, Bill 57 will give protection to those landowners, those great stewards of the land, who have been here for generations. Those people have a right to be given fair opportunity to appeal government decisions that affect the ownership of that property.

1050

Ms. MacLeod spoke earlier about there being stronger property rights in China than there is in Canada. I do want to acknowledge that this was something first brought to my attention by my colleague from Oak Ridges, Frank Klees, who's also been, as everyone knows, a strong defender of property rights. I was flabbergasted when he first brought that to my attention, that we in Canada enjoy less property rights than the people of China. That's something this bill could remedy, and would I suggest that members of this House support Mr. Barrett in his very worthwhile piece of legislation.

**Mrs. Carol Mitchell (Huron—Bruce):** I rise today to speak to Bill 57, the bill that was brought forward by the member from Haldimand—Norfolk—Brant. This bill aims to amend the Human Rights Code to protect the rights of property owners in Ontario. I'm not one to cast doubts on someone for occasionally challenging the fairness and equality of legislation in order to duly represent the collective needs of society, but I feel that with this bill, this member is attempting to overstep the boundaries of what the Human Rights Code ultimately is accountable for. The member must also keep in mind the very delicate balance that exists between private property rights and the collective rights of society.

I just want to talk for a minute about the foundation that we begin on. When people buy property, they have an understanding of the permitted uses of that property. There are many things in place municipally, and we talk about what the uses are, not only for their properties but for the neighbouring properties as well. The reason we have done this is so that our communities have the tools they need to move forward. There has to be a strong linkage in planning to ensure that our communities, be they rural or urban, have everything they need to move forward. That's what the McGuinty government is about: building strong communities.

I know that when the previous government talked about infrastructure and talked about building strong communities, there was no linkage. The rural communities were left to wither on the vine. When I look at our bridges, our roads, our water and our sewage, all of that goes forward with planning that is acceptable to move our communities forward. These things aren't done in isolation. I understand that expropriation is something that is entirely the last thing one does, but if we do not have something like this in place, how, then, do we represent the public good—"public" meaning what is in the best interest of the overall public?

We talk about bridges, we talk about transmission lines, we talk about roads and we talk about environmental issues. We have to keep in mind what is reflected for the public good as well. There must be a tool in place to meet those needs. I hear from the opposite side the split between urban and rural. This isn't about urban and rural. This is about respecting personal property while moving forward what our province needs to make sure that the overall good of the province is recognized, with the tools in place to also recognize that if expropriation is the only thing that can move forward, there is adequate and fair compensation.

I know that many of you know I come from a municipal background. When I was warden of the counties for a couple of years, expropriation is something that did come up when we were put putting in a major road. We were able to negotiate that, which is often the case. But if that tool is not there, how, then, does one move the public good forward?

Clearly, we all understand, and I know the member does as well, that it's not in the political interest. What is in the political interest is fearmongering. It's about taking a lack of understanding of what our rural communities need and then bringing forward pieces of legislation like this that you can go out and talk about and increase that fearmongering perspective. But one thing I say to you is that you needed to do that when you were in government to make sure we had the infrastructure in place.

**Ms. Laurie Scott (Haliburton—Victoria—Brock):** I appreciate the opportunity to speak this morning in support of my colleague Mr. Barrett from Haldimand—Norfolk—Brant on his private member's bill, Bill 57. He has brought it forward because we on this side of the House are listening to our rural communities. It's the McGuinty Liberals who are not listening to what the rural



communities need. It's you who are not doing it, and it was seen all over Bill 43, the Clean Water Act. Those people came out. We didn't make it up; real people came out and told their real stories.

I'd like to commend the member from Haldimand-Norfolk-Brant. He's done a great job on his articulation of land rights. He's been a great critic for agriculture and bringing forward their needs, highlighting what this government has not done.

But it brings forward some essential concepts for the people in Ontario who own or rent property. I appreciate that he has brought this piece of legislation forward. It's a right to own property or rent property; it's a responsibility to maintain one's property. What is not presently within Ontario law is rights and responsibilities for those who rent, and Bill 57 presents this also. I say, from the members here, that certainly the PC Party—no question—supports property rights. That is what is essential to our economic prosperity and our political freedom. It's what our forefathers came with, when there were property rights, and they've slowly been taken away by governments. When they pass legislation and diminish our property rights, it affects all of us.

OREA, the Ontario Real Estate Association—they have 34,000 members—wrote in support of Bill 57, saying, "Most Ontarians do not realize there is no guaranteed right to own private property in Canada," and it's correctly pointed out in Bill 57. OREA says, "While we agree that a balance must be struck between the public good and private right, we also agree that a society which diminishes the rights of property owners should be prepared to compensate them for that loss."

Heard again and again through Bill 43—heard constantly: "What? Expropriation without compensation?" People by the busload came from all over Ontario—property owners, business owners, the Canadian Federation of Independent Business, the Ontario Chamber of Commerce—telling us that this legislation would drive people out of Ontario, would drive businesses out of Ontario. You threw the responsibility of source water protection onto the backs of landowners and Ontario municipalities, especially the rural communities, because you're down-loading onto the—

**The Deputy Speaker:** Order.

**Ms. Scott:** Anyway, I support my colleague's bill, Bill 57.

**The Deputy Speaker:** Thank you.

Mr. Barrett, you have two minutes to respond.

**Mr. Barrett:** I wish to thank the speakers in the House. As well, I want to recognize Lynne Moore, a dairy farmer from Terra Cotta, John Tory's riding, who is here to sit in on the debate this morning. I think he'll be—stay tuned for tingle voltage. That's coming up next.

Member for Davenport, we had a chat a few days ago and I appreciate your reminding the House of Bill 11, which I introduced 11 years ago, on property rights. You raised some important questions as well on the Human Rights Code deliberations.

The member for Simcoe-Grey gave us a good history lesson, going back to the year 1215. The member from

Timmins-James Bay identified a lack of adequate compensation arising from expropriation in many cases, and also reminded us that there are not property rights on native territory. This private member's bill, by the way, doesn't have the capacity to deal with aboriginal land claims, let alone negotiations. It's a very important issue and very timely.

I noticed that the member for Peterborough's comments were refuted by the member from Nepean-Carleton. It's important for her to remind us that communist China does have property rights; Canada does not, North Korea does not, Cuba does not.

The member for Huron Bruce: I just heard her spout off and make mention of fearmongering. That's fine. We're very clear on your opposition to property rights.

Of course, the member for Renfrew-Nipissing-Pembroke knows of what he speaks, and I also wish to thank Laurie for anchoring the debate. It is important to strike a balance and, to date, there are, as Laurie mentioned, serial violators of land rights. We see this in some of the comments from the benches opposite.

1100

## GROUND CURRENT POLLUTION ACT, 2006

### LOI DE 2006 SUR LA POLLUTION CAUSÉE PAR LE COURANT TELLURIQUE

Mrs. Van Bommel moved second reading of the following bill:

Bill 143, An Act respecting ground current pollution in Ontario / Projet de loi 143, Loi concernant la pollution causée par le courant tellurique en Ontario.

**The Deputy Speaker (Mr. Bruce Crozier):** Mrs. Van Bommel has moved second reading of Bill 143. Pursuant to standing order 96, you have up to 10 minutes.

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** Private members' time is set aside for MPPs to address issues that are of particular interest to themselves and to their constituents. My private member's bill is intended to advance the understanding of ground current pollution and to establish a time frame and process for remediation.

As a farmer, I've been long aware of this issue for probably well over 30 years, but it wasn't until I met a constituent whose life was completely changed and affected by ground current pollution that I started to really understand the impact that it has on all Ontarians. Should the Ontario Legislative Assembly pass this private member's bill, it is my hope that we will see a special focus on the state of our electrical infrastructure and the important role that it plays in the overall delivery of safe energy to our homes and to our businesses.

We are not the only jurisdiction to experience this type of pollution. The hazards resulting from ground currents have been recognized as a problem in both Canada and the United States and, as a matter of fact, right across the



world. New York State spent \$100 million in one year to clean up electrical pollution.

To understand the problem, it is important to appreciate what ground current pollution is and its impact on humans and animals. Many people refer to this phenomenon as stray voltage, transient voltage or tingle voltage. Regardless of what we call it, the impact on farms, manufacturing and humans is demonstrable.

In the past, electrical equipment consisted primarily of lights, motors and tube-type electronic equipment. Our infrastructure was developed to supply usage for a relatively small use, and transients were not really a great problem at that time. With increasing use of solid-state computers and microprocessors, increasing electrification and automation of farms and businesses, and ever-increasing demand and load on our distribution lines, the problems of ground current pollution are also increasing.

Stray voltage is man-made electromagnetic energy. The laws of electric engineering require that electrons flowing from a substation transformer must return to that transformer in order to complete the circuit. This is done by the use of neutral wire that exists on the distribution and transmission systems. With less than perfect grounding, however, this current gives rise to stray voltage. Because of increased load on these neutral wires, more and more of the current is now completing the circuit via other routes, including the earth and equipment.

Much of the increase in stray voltage over the past 30 years is due to an aging distribution system, heavy loads on existing systems and an increasing reliance on the earth as a conductor of that power. The transmission and distribution system in many areas cannot return such a high voltage impulse to the substation on a neutral wire. Unfortunately, the path of least resistance which it is prone to take is not always the straightest path. As a result, it takes a path back to the substation via the ground, in streams, on metal plumbing pipes, as well as through animals and people.

It is hard for most of us to understand something that we can't see, and for many people it has been a long battle to prove that this problem even exists. Although humans are sensitive to electric current, animals such as cows, pigs and horses are probably the best examples of how the body reacts to this current. All of us have experienced an electrical shock just by touching something that is a conductor of electricity. Imagine going through every day getting a number of shocks every time you try to accomplish something as simple as drinking and eating.

Cows are the most susceptible animals and therefore are often the first to show signs of problems with ground current pollution. Cows take quick drinks of water because the water bowl gives them a shock every time they go to drink, or they get a shock from leaning against the metal stanchions or from the milking equipment.

Such was the case for one of my constituents, Lee Montgomery of Dover Centre. Mr. Montgomery had already been awarded the distinction of being Canada's youngest master breeder in 1971 for the quality and

productivity of his herd's lineage. But by the mid-1970s, Mr. Montgomery started to experience production and breeding issues in his prize dairy herd. Herd problems are often difficult to diagnose, so he proceeded with the slow process of eliminating possible causes, including checks on his feed quality and testing the water samples. He had his veterinarian visit, and of course he used very expensive medications in an attempt to remedy something that no one seemed to be able to identify. These were all part of the process that this farmer used to determine what was happening to his superior herd, because he was now experiencing lower milk production, unusually nervous behaviour, a high abortion rate in the herd and increased illnesses such as mastitis.

Today, there exists a great deal of science to support what farmers like Lee Montgomery have learned by hard experience. Now veterinarians, professors, electrical engineers and researchers all recognize the existence of ground current pollution. Specialized equipment is now available to detect the existence of ground current. In 1992, a Cornell study assessed the impact of stray voltage on milk yield and its composition. Research is also being done into this problem in Ontario by the Ministry of Agriculture, Food and Rural Affairs through its many colleges and its university. Alberta Agriculture determined that 21% of dairy herds in that province had to be monitored routinely for excess levels of stray voltage. But for Mr. Montgomery, all this comes too late. He had already been forced out of the business in 1992 because he was unable to identify the problem.

No one solution works for all stray voltage issues. The first step is to solve the problem, including having your electrician examine the system at your home or in your business. But for many, the problem comes from outside their property, from the distribution and transmission system. Therein is the frustration that has been experienced by many farmers in Ontario. There is an impact on humans as well. More and more people are recognizing a condition called electromagnetic hypersensitivity, a biological disorder that results from regular exposure to electromagnetic fields. Dr. Havas of Trent University is currently doing research into this.

Hospitals have long understood the impact of ground current and have now got equipment that has built-in filters to eliminate the problem. Manufacturing plants also contribute to the problem, and some of them have done extensive work to reduce the impact of stray voltage on the performance and efficiencies of their equipment by again using special filters.

That is the purpose of this bill: Firstly to define objectionable current flow and to establish a timeframe for power providers to respond to complaints by consumers, including investigation and remediation of the problem. A consumer who feels they are subject to ground current pollution must make their complaint in writing. The electricity provider is required to make the initial response within 10 days. An investigation must be completed within 30 days, and they must take whatever action is necessary to remedy the problem within six months of receiving that complaint.



This bill will make it an offence to not remedy the problem in a timely manner by imposing a fine of \$1,000 per day after the first six months. Finally, the bill will also require the Ministry of Government Services to develop and implement a plan to eliminate ground current pollution in this province within 10 years.

1110

The problem can be solved. The rules are already in place, established by an international body that governs electrical engineers around the world. This bill brings a serious problem to light and requires that electricity providers respond quickly to fix the problem and remove current from the ground and put it back on the wire, where it belongs. The rules are there. They just simply need to be enforced.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** It's a pleasure to speak to Bill 143, An Act respecting ground current pollution in Ontario.

I want to commend the member for Lambton–Kent–Middlesex, Ms. Van Bommel, for bringing this issue to the Legislature's attention. She talked about it not being that well understood and not being that well known. I think Ms. Van Bommel may have been there when we had committee hearings this year. There was a group that brought this issue to the attention of the committee with regard to our hearings with Hydro One. I'm not sure if the honourable member was there on that day, but it was something I myself certainly found intriguing.

There's no question that stray voltage exists. That much we do know. I think she has identified the problem, and that is the problem in identifying it and being able to determine its source and the ability to mitigate it.

It would appear that in Wisconsin they've enacted a bill to deal what they call "objectionable flows of electric current." It looks like that was enacted in 2004 in the Wisconsin Legislature. So it's clearly something that doesn't simply exist here; it exists everywhere that there is power being produced and distributed to those who need it.

I did talk to a couple of people in the agriculture business. I talked to a dairy farmer in my riding, Dick Straathof. He and his wife, Debra, have a dairy operation near Arnprior. I asked him about his experience and he, quite frankly, hadn't had any problems, but he has a fairly new barn, built in some protective measures and has not had any problems. But he did give me the name of another fellow near Port Perry by the name of Michael Kersten who has had significant problems with stray voltage. I see folks in the gallery nodding, so they're probably aware of that situation. He talked to me about issues with regard to low production of cattle, cattle that died, and autopsies that were inconclusive but where the veterinarian had made comments like this cow, that had died the day before, looking like it had been dead for some time, and those kinds of things. While I don't understand, and don't pretend to understand, the effects of these kinds of things, clearly there is a significant effect there.

The science is somewhat divided on it too. I also talked to some professors who don't necessarily see the

problem as being one of the utility but as being a problem of the installation itself. I'm not in a position to comment on that, but I can tell you what I can comment on. Mr. Kersten had to buy a neutral line isolator, and the utility installed it up near the transformer, and that reduced—he was getting a little under 0.5 volts, and that was what caused those kinds of issues and problems on his farm. This neutral line isolator has reduced that to about 10% of that, one-tenth of that, which is still not where he believes he should be with regard to proper production and everything else, but it has improved it and taken it away—for the most part.

It does raise the question: If that's what can happen with less than 0.5 volts, how can we possibly have a limit of 10 volts? I apologize if I'm repeating things that Ms. Van Bommel said, but it was explained to me that the effects of the voltage are exponential, based on the mass of the animal or human who is being subjected to them. A 50-pound child at X number of volts would be feeling one quarter of the effect of a 200-pound man. Then you've got to take that man and multiply him by eight to look at a 1,600-pound cow, and you can understand the effect and the infliction of discomfort and even pain and damage to an animal that size.

I think what we need to do here is get this bill to committee so we can get some real input from people who understand it far better than I can possibly understand it over the course of the couple of days I was given to look into this issue and speak to it today. Again, it's impossible to have a really solid handle on it. I have all kinds of paperwork and everything here, but we're not going to read that into the record because we don't have that kind of time.

I was also told something about one of the problems being that the lines themselves—I'm going to say "can be" because I don't have the ability to make those kinds of determinations—can be part of the problem because they are not capacitated to deal with what we are dealing with today. We have to look at our infrastructure system. If that is a problem, then perhaps the onus needs to be on us, who are delivering the electricity, to ensure that we're not creating a detrimental situation for people. If it means special equipment, I'm not suggesting for a moment that we have the capacity financially, in this province, to simply rebuild our transmission system, because that's not necessary for the purpose for which it's used. But if it is causing undue problems for farmers, maybe we do have to look at whether or not we can be putting on those mitigating devices that will reduce and/or eliminate the causes of this kind of stray voltage to farmers.

When you talk about a barn that has a huge cement floor, the conductivity of this is quite different from that of a single person walking down the street—or a married person. I wasn't picking on the marrieds, there; could be either one.

*Interjection.*

**Mr. Yakabuski:** I just wanted to see if you were awake, Jeff.

I think it is something we do need to get to committee. I do not want to monopolize the time, because I do have



other speakers here. Hopefully, with the passage of this today we can get further or deeper into this issue so we can understand it better, and then perhaps we can register a knowledgeable verdict on it at another reading. Thank you very much, Mr. Speaker

**Mr. Peter Tabuns (Toronto-Danforth):** This is quite an interesting issue, one I wasn't aware of in the past. I would like to commend the honourable member Mrs. Van Bommel for bringing this to this Legislature. If in fact we are having to deal with a problem of electrical pollution of our ground and it's having an effect on humans and livestock, it seems entirely reasonable to me that we take action on it.

I have to say, Mrs. Van Bommel, that one of the problems with your bill is that it seems eminently sensible, so the question is: Why would you spend a lot of time debating it? Nonetheless, we do get an opportunity to speak to it, and I will.

1120

I would say that the steps that you've laid out requiring investigation, requiring speedy assessment and then correction are entirely proper. We have an electrical system that is causing a problem for people. There are a number of ways of getting at this, obviously. You talk about the capacity of the neutral wire. One other thing that I might suggest to you is that if, in fact, in this province we had a concerted investment in energy efficiency so that electrical demand was reduced, that also would tend to push down the incidence of this problem, deal with situations where the infrastructure itself was being pushed beyond its design capacity.

In my previous life as a city councillor here in the city of Toronto in the 1990s, we were faced with an issue of replacing all of the street lighting in the city of Toronto. It was reaching the end of its design life. It was very expensive to maintain. We actually looked at lighting that used about half the power of the lights that we currently had in place and required far less maintenance. We were able to re-lamp the whole of the city of Toronto and have the savings from the cost of electricity and reduced maintenance pay for that complete re-lamping of the city over about four or five years.

So obviously in a farm or rural environment, assisting farmers to cut their electrical use by providing more efficient motors may be one way of dealing with this that has multiple benefits. It reduces the demand on the electrical system as a whole and, at the same time, allows farmers to cut their operating costs.

You talked to farmers in this province. You know they're facing difficult financial times. In the course of my experience going out for the public hearings on Bill 43, the Clean Water Act, we had farmers coming and speaking to us. The member, Mr. Leal, was there for the hearings in Peterborough. It was very clear that farmers were facing a crunch in income. Global subsidies, particularly in the European Union and the United States, which drove down the price for farm-produced goods, were creating an income crisis in rural Ontario. The depopulation of rural Ontario destabilized that society.

To the extent that we can look for opportunities to actually increase economic activity in rural areas by providing work to increase efficiency, to the extent that we can cut farm operating costs, I think we should look at that opportunity. I know it's not in your bill, but it's something that the government could in regulations or in directing Hydro One or local distribution utilities say, "Yes, you can look at a variety of ways of reducing this tingle voltage." One of the ways is investing in beefed-up transmission systems. The other thing to do is invest in reducing the amount of power that's used.

I don't know how hot water is provided in an awful lot of farms. My guess is people don't have Consumers' Gas or Enbridge or Union Gas running gas lines down rural roads all over southern Ontario or northern Ontario. Probably a lot of people rely on electric hot water heaters. Solar hot water heaters are currently—sorry for the pun. At this point, solar hot water heaters are economically viable on a commercial basis to displace electrical hot water heaters and, at the very least, can supplement those electric hot water heaters and substantially reduce the amount of current that they'll draw.

In the document that was produced by the Ministry of Agriculture, Food and Rural Affairs, it's noted that the most significant problems are most often observed between 6 and 9 in the morning, and then in the evening, when you've got heaviest draw on local power. To the extent that we're able to cut power demand, we reduce risk for livestock and for people.

Motors themselves are a significant draw of power and in this country we tend to have a very large stock of motors that are not up to highest efficiency standards. This past year, there was an international conference held in Europe on electrical motors and the potential contribution that could be made to reducing world demand for energy by upgrading all of the existing old motor stock to the newest, most highly efficient motors. If you've got a milking operation or if you have other machinery on a farm that's drawing on current, assisting those farmers to replace those motors with the highest efficiency would not only cut their operating costs but, again, would reduce the risk we have of this tingle voltage for farmers, their livestock, their operations.

I think that this bill, as written, is very useful. It makes sense to me, and I think we should proceed with it, but I'd like to suggest to the member that as she moves forward, and hopefully when there are hearings on this, that amendments to the bill might include a recommendation to the utilities that they provide an option to farmers for low-cost financing for upgrading the efficiency of their equipment or in fact, in some instances, if you're going to spend a lot of money on putting in a new neutral wire, using that money instead to reduce the electrical load on that farm and take advantage of an investment that might not otherwise be made.

One of the questions I have for the member who has proposed the bill is that I understand that in Ontario the voltage limit on tingle current is around 10 volts, whereas in Vermont and Wisconsin it's around 0.5 volts and in



Alberta it's one, and I don't quite understand why we here in Ontario haven't adopted a much more stringent standard for current flowing through the ground, flowing through water when, in fact, other jurisdictions with climates comparable to our ours, perhaps more severe than ours, have taken these steps, recognizing that they've got a problem with electrical pollution. It would be useful for me to hear from the member as to how she sees addressing that issue in the course of this bill moving forward.

It's my hope that the Ontario Federation of Agriculture, which has identified this as a problem as well, will be quite vocal on this matter. I see no reason why there wouldn't be support around the House for this bill to go forward, because why would anyone support a reduction in agricultural productivity? Why would anyone support increased risk for humans and livestock? It makes no sense.

You've identified a problem that, quite disturbingly, wasn't identified for a long time. You told the story about a farmer who went out of business in 1992 because of declining production for reasons that he wasn't able to identify. Why would we not take action to ensure that no one else ever faces that problem? I'm sure you know much better than me, because you represent a rural area and I represent an urban area. Why impose any greater burden on the farmers in this province? Why not act quickly?

I'm going to pass, come back to the rest of my time later in this period, and look forward to hearing the responses from the proponent of the bill.

**Mr. Jean-Marc Lalonde (Glengarry–Prescott–Russell):** I'm pleased today to speak on Bill 143, which my colleague the member for Lambton–Kent–Middlesex has brought forward. This bill addresses a very important issue to many rural Ontarians, and I strongly commend my friend Ms. Van Bommel for bringing this issue to the Legislature.

I believe this issue has a solid purpose: to prohibit situations of undesirable ground current pollution that can harm Ontario's livestock. In the event that situations of harmful current flow occur, this bill requires that the complaints be investigated and that the ground current pollution that is harmful to animals be eliminated.

According to a report that I received from the University of Guelph, Alfred campus, there were over 45 different research seminars and consultations done on stray voltage, and we have not yet received a positive solution. Looking at some of the reports that I received, there's the University of Guelph; the report I have here from Minneapolis; one from the Canada Plan Service, written by R. G. Winfield and J. A. Munroe; one from Wisconsin Public Service Corp.; and another one from Alberta Dairy Management.

1130

This issue of ground current pollution or stray voltage is a serious problem for many of our farmers. It is often caused by either the electrical utility commission or faulty wiring. Stray voltage can occur when livestock

come in contact with metal equipment that has a different electrical potential than the surface the animal is standing on. Current may then travel through the animal to the earth in order to return to its source. Most animals have a lower electrical resistance than humans. These occurrences of ground current pollution are harmful to animals and affect the ability of farmers to remain competitive in their production.

Some of the most common symptoms resulting from ground current pollution are excessive or unusual nervousness, reluctance to enter or eagerness to leave the milking parlour, reluctance to drink water, miscarriages and lowered milk production. These symptoms all point to the fact that something must be done to prevent livestock from being subject to harmful ground current pollution. This bill is taking steps in a positive direction.

The presence of ground current pollution is a real problem for farmers in rural Ontario and has led to high financial losses. In Glengarry–Prescott–Russell, the issue of ground current pollution has affected many, many of the family farms. I have here Merton Albright, whose family in St. Eugène lost 60 cows. The Leroue family, egg producers, have lost much production. The Marjerrison family of Apple Hill have dealt with the devastating effect of stray voltage in their dairy herd. Each time the cows tried to urinate, up to 40 volts of current surge backed up through the animal. This led to major decreases in milk production and decreases in the overall health of the herds. The family ended up spending over \$70,000 on lawyers' fees and expert witnesses to prove their farm's decline in output was the result of ground pollution. According to a report that I got here from Robert Irwin, the family were successful in claims totalling over \$766,000.

Bill 143 would allow for the investigation into these types of cases. If proven to be at fault, the onus would be put on the electricity provider to fix the ground current pollution. According to a report put out by Robert Irwin, of which I have a copy, the Marjerrison family were successful in five claims totalling over \$766,000. In many of these cases, the root cause and responsibility for the presence of ground current pollution is put on the farmers themselves.

Just late last week, I received a call from another farmer in my riding. After the 1998 ice storm, François Cayer of St. Albert started to notice symptoms in his livestock that were associated with stray voltage: nervousness and decreased milk production. His vet, medicine and artificial insemination costs rose from about \$3,000 a year to \$28,000 a year. Between 1989 and 1994, he has sent 176 cows to the slaughterhouse. Mr. Cayer's case is representative of many Ontario farmers for whom, over a decade later, the negative effects of stray voltage still have very real consequences.

This bill would require investigation into a complaint that the power quality on a farm was suspect. This bill is a step in the right direction toward protecting Ontario's livestock and supporting farmers. This issue of stray voltage has affected farmers in Ontario for many years. I



would like to congratulate my esteemed colleague for bringing this bill forward.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** It's a pleasure to have a chance to speak to Bill 143, An Act respecting ground current pollution in Ontario, brought forward by the member from Lambton–Kent–Middlesex. I have to admit that I did not know much about stray voltage, transient voltage or tingle voltage before the member did the introduction of this bill.

"Electrical current that returns to the transmitting substation via the earth's surface rather than the proper path, that is, the neutral wire provided by the electrical distribution and transmission system, is ground current pollution." I wanted to read that into the record because a lot of people won't know what stray voltage is and how it occurs. Like the member from Lambton–Kent–Middlesex, my riding of Haliburton–Victoria–Brock has a huge agriculture business and farm base and is huge into the livestock industry, which has been the emphasis of this bill, especially the dairy industry. So I'm certainly glad that she's brought the concerns forward.

I have been reading some of the studies that have been undertaken by various groups with respect to the stray voltage and electromagnetic fields. The Canadian Cancer Society has suggested that there very well could be a link between the electromagnetic fields and the increase in childhood leukemia. That's reason enough already to acknowledge the need for this issue to be discussed and addressed.

We live in a world that's comprised of increasing and advancing technologies. I acknowledge the importance of this, but with this increased technology, it is also even more important that its potentially harmful effects are considered.

There's intense pressure to form alternative solutions to electricity generation and transmission. We see that we've got infrastructure, transmission lines, that need updating. We see that especially in rural Ontario; we see a lot of it.

This bill is going to bring attention to this matter. I look toward to it going to committee. I look forward, like the member from Toronto–Danforth said, to the Ontario Federation of Agriculture and all other stakeholders who are involved to be able to have comment on this.

I know my colleague from Haldimand–Norfolk–Brant would like to speak to this bill so, in conclusion, we're certain that this issue is worth studying. I thank the member for bringing this forward.

**Mr. Jeff Leal (Peterborough):** Indeed, it's a pleasure for me to have an opportunity to speak on Bill 143, as presented by my colleague the member from Lambton–Kent–Middlesex. She provided me with a copy of an article that was produced by the Farm and Country News, talking about the serious problem that the Marjerrison family of Apple Hill in eastern Ontario had with their dairy herd.

Doing a little bit of research, I know there is an interesting individual, a consulting engineer, Alex Furo, from Wallaceburg, Ontario. On numerous occasions Mr. Furo

has been called upon to provide expert testimony on this particular issue. Indeed, between October 1994 and June 1995, the Department of Public Utility Control in Connecticut had hearings on the investigation into stray voltage on dairy farms during the period of time that I just identified. Perhaps I will just read into the record what Mr. Furo testified at that time.

"Mr. Furo testified that '[s]tray voltage is manmade electromagnetic energy that directly affects livestock' and that '[m]ost of it is associated with the electrical power distribution system.' He explained that much of the increase in stray voltage over the past 30 years is due to the aging distribution systems, heavy loads on existing systems, and increasing reliance on the earth as a conductor for neutral return currents. While the electrical industry admits that stray voltage can reach animals through conduction, such as through a two-point contact with a metal stanchion that is carrying the current from the earth, Mr. Furo explained that stray voltage can also reach animals through a single-point contact, such as through induction, capacitive coupling or electromagnetic energy, even when the traditional utility protocol of using a meter connected between the stanchion and a wetted spot on earth records nothing.... Thus, a barnyard animal can still receive a shock even though a utility's conventional circuit theory protocol does not record anything. Mr. Furo then briefly described a demonstration on how this shock can occur," using data on a number of dairy herds throughout several jurisdictions in North America.

1140

Also, the state of Vermont has attempted to bring forward legislation to deal with this particular issue. In fact, I have a copy of a bill that was put through Vermont during the 1993-94 legislative session. I'll read into the record some of the provisions of this particular act in the state of Vermont. It is an act, of course, relating to stray voltage. It says, in the statement of purpose:

"The general assembly finds that stray electrical voltages can have serious economic impacts on the residents of the state of Vermont. Electrical users, utilities and state regulatory agencies must co-operate to resolve stray voltage issues in a way that minimizes financial and other burdens on the electrical customer."

This was seen as such a serious issue, particularly in the farm area of Vermont, that they indeed established a task force to look into it. The duties of the task force:

"The task force should develop a uniform service policy relating to the elimination of stray voltage. Issues considered by the task force shall include:

"(1) The designation of maximum allowable levels of stray voltage. Stray voltage shall be considered eliminated when reduced to or below these thresholds.

"(2) The creation of a uniform procedure for investigating the source or sources of stray voltage.

"(3) Requiring utilities to eliminate stray voltage or relieve its effects when the source of that voltage is found to be in that utility's distribution system or related to that utility's distribution system.



“(4) Providing technical information to customers to assist them in eliminating stray voltage or relieve its effects when the source is found to be in the customer’s wiring or equipment.

“(5) The creation of a system for resolving disputes between electrical utilities and customers related to the elimination of stray voltage.”

I think that provides a good overview of what other jurisdictions are looking at. I encourage everyone today to support Bill 143.

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** Bill 143, An Act respecting ground current pollution in Ontario, represents one of the few times that Liberal members opposite have come forward with legislation dealing with a farming issue, and I’m heartened to see that. I guess I’m heartened to see that maybe it takes an election year for those opposite to admit that rural Ontario is on the provincial map. A challenge has been offered. I’m looking forward to the committee hearings on this, and I hope hearings are held in rural Ontario. So we’ll see what happens with that.

This term “ground current pollution” is a new term for me. I know it as stray voltage or tingle voltage. I’ve certainly read about it over the years in the farm media. It’s obviously an ongoing issue in Ontario and, as we’ve heard today, in states across this continent. Different approaches have been taken to address the issue.

According to the OFA, tingle voltage is a low electrical current between grounded equipment and the earth. This current, which usually travels along neutral wires provided by the usual electrical distribution and transmission systems, is forced to use the earth’s surface when those wires aren’t there or are inadequate, hence the stray voltage or the tingle through farm buildings and, regrettably, through large animals—cattle, obviously, horses and hogs.

This morning, Toronto radio seemed to be dominated by discussions of squirrels being electrocuted. Squirrels nest in transformers; maybe it’s the warmth up there. They indicated about 50 a month get wiped out. I don’t think that people are necessarily worried about the death of squirrels; it’s the interruption of the electrical supply in the city of Toronto. Again, I use that example just to reiterate how difficult it is to get rural issues on the radar screen at times, and we now will have to educate people on just what ground current pollution stands for. As far as the squirrels, there are too many in Toronto. We either need more coyotes or more squirrel hunters in this city.

Regrettably, though, we know that dairy cattle are susceptible to tingle voltage, reportedly, I’ve read, 50 times more sensitive than we are. Some US states have adopted a maximum allowable standard of 0.5 volts, Alberta has one volt as the acceptable limit, and Ontario has a less formal standard of 10 volts. Again, farmers are susceptible to electricity pricing. We’re looking at some skyrocketing electricity bills, and smart meters don’t necessarily work in the dairy industry. You really can’t bring them in at 3 in the morning to get a lower rate.

We do know on this issue, as has been indicated, that it is believed to be responsible for hormonal changes, behavioural changes, resulting in decreased milk production and reports of death. But again, there’s no official industry standard for stray voltage. Ontario Hydro considers 10 volts a maximum safe level. The OFA board lobbied the provincial government to establish a maximum allowable level of 0.5 volts, and that’s where my concern lies. We have to know what this standard will be. We need a benchmark if we’re to go forward with this, and because much of this is so vague, it makes it very difficult to know where the government will go with this.

**Mr. Dave Levac (Brant):** I had a different opening, but I just have to change it because the member for Haldimand–Norfolk–Brant brought to this place—everyone in this place knows how sincere I am about private members’ time. This is private members’ time. This is to fill the holes that exist in all governments and all legislation. Unfortunately, he takes an absolutely silly whack at the government, saying, “Where are you now?” because it’s election time. What an unfortunate opportunity.

I’m going to get right straight to the point here. All of the information has been given to us. We know what the problem is. We now know that we’ve got an opportunity to fix it, so let’s just fix it. In the gallery today are people from Loyola Catholic school in Mississauga. I know that they know—I really want to sincerely say this—that milk doesn’t come from a plastic bag. They know that we have rural Ontario and they know that our farmers need their support. So I’m going to encourage them to take this information that they’ve learned and go back.

The story the member for Glengarry–Prescott–Russell gave us was an interesting one. Let’s take the cow out of the urination problem that was described and put a human being in it. Watch how fast Hydro would change that.

I’m going to challenge each and every one of us. This bill is the right thing to do. It’s been studied for 30 years. Why did it take 30 years for us to correct it? I saw in my articles—and there’s a tonne of them here. I’ve got about 18 from the United States and Canada that are telling us the information. Why do we have to sit back and start poking political holes in this? Let’s fill in the information with the science that’s already there—30 years’ worth. Why are we not correcting this? I challenge each and every one of us to understand this.

I read a story where a farm went from 15% higher production in their milk than the provincial average, and with this problem of tingle voltage, transient voltage, stray voltage, tension parasites, stress voltage, objectionable current flow and ground current pollution—whatever you want to call it—they went down to 15% below the average, the same farm. They went from 15% above the average down to 15% below the average. You know what that is? That’s our economic engine grinding to a halt. The second-highest producer in our economy is the farmer. Let’s get real here.

This is a private member’s point that has been brought and I thank the member. Let’s get on with this. Let’s get



this to committee. Put the little tweaks and twacks you want to put in the bill, but get it passed so that from now on we stop this problem.

1150

**The Deputy Speaker:** Further debate? Mrs. Van Bommel. You have two minutes to respond.

**Mrs. Van Bommel:** First of all, I want to thank all my colleagues who spoke in support of my private member's bill: the members for Renfrew–Nipissing–Pembroke, Toronto–Danforth, Glengarry–Prescott–Russell, Haliburton–Victoria–Brock, Peterborough, Haldimand–Norfolk–Brant, and the member for Brant.

I also want to thank the people who helped to develop this bill. They include Christopher Wernham, who is the legislative counsel; Barry Fraser, who is a professional agrologist; Dr. Magda Havas at Trent University; Lee Montgomery, the farmer I spoke about; Ted Cowan, who is a researcher at the Ontario Federation of Agriculture; Lynn Girty, who is a farmer; Dr. Jim Morris, who is a professional agrologist and a retired instructor at Ridgetown College; and Dave Stetzer, of Wisconsin. Most of all I want to thank my staff person, Maureen Brown, who has been instrumental in getting things organized for me here.

There were a number of issues brought up. One of them was the quantity of the voltage, and certainly I would entertain an amendment to deal with that. One of the reasons I didn't specify a quantity in my definitions was because of issues such as weight and body type and that sort of thing. I'm going to leave that more to the science than to try to set that out. So I want to leave it that way.

The member for Toronto–Danforth talked about equipment and reducing the use of electricity on our farms, and we certainly are doing that. Our modernization is allowing us to do that, but there is also the cost of doing that. When you are in difficult times with finances, it's hard to do that particular thing.

I want to also clarify the issue of Mr. Montgomery. Mr. Montgomery knew what was going on on his farm; he just couldn't get acknowledgement from the utility to deal with it, and that was very important. The recognition that this may be associated with cancer is very much out there too.

I want to encourage everyone to come to room 228, because we have a demonstration of how this works, and I want everyone to be able to see how this happens.

**The Deputy Speaker:** Thank you, Mrs. Van Bommel.

The time provided for private members' public business has not yet expired; therefore, we will suspend proceedings until 12 of the clock, at which time we will have the votes.

Just by way of explanation, this doesn't happen very often, but private members' public business is just that, where individual members speak and vote and bring issues, and it's expected by most members that votes won't be taken until noon. Therefore, we will suspend the proceedings until that time.

*The House suspended proceedings from 1153 to 1200.*

## LAND RIGHTS AND RESPONSIBILITIES ACT, 2006

### LOI DE 2006 SUR LES DROITS ET RESPONSABILITÉS EN MATIÈRE DE BIENS-FONDS

**The Deputy Speaker (Mr. Bruce Crozier):** We will deal first with ballot item number 53, standing in the name of Mr. Barrett.

Mr. Barrett has moved second reading of Bill 57. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the nays have it.

We will have a division on this after we've dealt with the next ballot item.

## GROUND CURRENT POLLUTION ACT, 2006

### LOI DE 2006 SUR LA POLLUTION CAUSÉE PAR LE COURANT TELLURIQUE

**The Deputy Speaker (Mr. Bruce Crozier):** We shall now deal with ballot item number 54, standing in the name of Mrs. Van Bommel. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. It's carried.

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** I would like to refer this bill to the standing committee on justice policy.

**The Deputy Speaker:** Mrs. Van Bommel has asked that the bill be referred to the standing committee on justice policy. Agreed? Agreed.

Call in the members. It will be a five-minute bell.

*The division bells rang from 1201 to 1206.*

## LAND RIGHTS AND RESPONSIBILITIES ACT, 2006

### LOI DE 2006 SUR LES DROITS ET RESPONSABILITÉS EN MATIÈRE DE BIENS-FONDS

**The Deputy Speaker (Mr. Bruce Crozier):** Mr. Barrett has moved second reading of Bill 57, An Act to amend the Expropriations Act and the Human Rights Code with respect to land rights and responsibilities.

All those in favour, please stand and be recognized by the Clerk.

#### Ayes

Amott, Ted  
Barrett, Toby  
Bisson, Gilles  
Chudleigh, Ted  
DiNovo, Cheri  
Hardeman, Ernie

Hudak, Tim  
Klees, Frank  
MacLeod, Lisa  
Miller, Norm  
Munro, Julia  
Runciman, Robert W.

Scott, Laurie  
Tascona, Joseph N.  
Wilson, Jim  
Witmer, Elizabeth  
Yakubski, John

**The Deputy Speaker:** All those opposed, please stand and be recognized by the Clerk.

## Nays

Brownell, Jim  
Bryant, Michael  
Delaney, Bob  
Dhillon, Vic  
Dombrowsky, Leona  
Duncan, Dwight  
Hoy, Pat  
Kwinter, Monte  
Lalonde, Jean-Marc

Leat, Jeff  
Levac, Dave  
Matthews, Deborah  
Milloy, John  
Mitchell, Carol  
Mossop, Jennifer F.  
Patten, Richard  
Ramal, Khalil  
Ramsay, David

Rinaldi, Lou  
Ruprecht, Tony  
Sandals, Liz  
Smith, Monique  
Smitherman, George  
Sorbara, Gregory S.  
Van Bommel, Maria  
Wilkinson, John  
Zimmer, David

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 17; the nays are 27.

**The Deputy Speaker:** I declare the motion lost.

All matters relating to private members' public business having been dealt with, I do now leave the chair. The House will resume at 1:30 of the clock.

*The House recessed from 1209 to 1330.*

## MEMBERS' STATEMENTS

## WASTE REDUCTION WEEK

**Ms. Laurie Scott (Haliburton-Victoria-Brock):** I rise today on behalf of John Tory and the PC caucus in recognition of Waste Reduction Week. It's a great opportunity to acknowledge the 25th anniversary of the blue box program in Ontario.

I'd also like to let the members of this House know that it is Thursday of Waste Reduction Week and we have not heard one word from the Minister of the Environment on her government's record on waste reduction. Although I will acknowledge that she was there for the ever-important photo opportunity this morning, except for the photo op, where has the minister been?

Is the minister afraid to address Waste Reduction Week because there is no amazing plan for waste diversion despite what we've been told by the McGuinty Liberals? Surely the minister must be concerned with the fact that they have clearly broken their promise on 60% waste diversion. Surely she's approached the Premier and said, "We need a plan for this, sir. We promised." Surely she's approached her cabinet colleagues and told them that Ontarians have the right to know what their knee-jerk policies are going to cost them.

Apparently that's not the case, and we're still waiting for the cost of the proposed LCBO recycling program, despite repeated questions to the minister, to the Premier and to the Minister of Public Infrastructure Renewal.

When it comes to breaking promises and saying anything to get elected, the McGuinty Liberals really are amazing. In fact, when it comes to breaking promises, the McGuinty Liberals are at the top of their game.

## GEORGE MAROOSIS

**Ms. Monique M. Smith (Nipissing):** On November 13, we will see the end of an era in North Bay. On that day, George Maroosis will retire from North Bay city council after 24 years of service to our community.

George Maroosis has run a small business, K. Bros. Arcadian Art Shoppe and Gallery, at the corner of Algonquin and Main in downtown North Bay for 30 years. George is one of the few municipal representatives whose career reaches as far back as the Merle "The Pearl" Dickerson era. Some in this chamber will recognize his name, as he entered the provincial political realm a few times. But it was at the municipal level where he really made a difference.

Over the years, he was involved in numerous great projects that have changed the face of North Bay. In a recent interview, Maroosis outlined some of those of which he was very proud. He discussed the waterfront. He was very involved in the purchase of our rail lands, which form the basis of our waterfront development and which he sees as a lasting legacy for our community. He served as the founding chair of the District of Nipissing Social Services Administration Board, Casselholme and the crisis centre.

To all his work he brought a sense of compassion and social justice. He's been an ardent supporter of the Low Income People Involvement group, or LIPI. He is a straight talker who rarely hesitates to give his opinion, but he also wasn't one to talk just for the sake of talking or hearing himself.

George and I both sought the same nomination at one point, and although I was successful, I have to say he has been nothing but supportive, helpful and encouraging.

George was a true community builder, and, on behalf of our entire community, I want to wish him a happy retirement and to thank him for all the great work for Nipissing and North Bay.

## HIGHWAY 417

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** Modern highways are the economic lifelines of communities across Ontario and crucial to the growth of its economy. For years, the Minister of Transportation has been dealing with the planning and design of the extension of Highway 417. The previous Conservative government followed through with their commitment to extend Highway 417 to Arnprior. Unfortunately, the current Liberal government has not yet seen fit to continue that project to Renfrew and beyond.

If these lines sound familiar to you, it is because, since my election three years ago, I have repeatedly tried to impress upon the Ministers of Finance and Transportation the importance of four-laning Highway 17 to Renfrew and beyond. Many times I've delivered petitions from my constituents, asked House questions and made member's statements, trying to make this government understand just how important this upgrading is to the economy throughout the county of Renfrew and indeed the entire Ottawa Valley.

We continually get ministry notices that they are preparing for this project, but all of those communiqués end the same way; that is, subject to the availability of funding.



The government holds the purse strings here. Make that funding available. It may sound like the same old song, but I would like the words to be so familiar to the Minister of Transportation that she actually hears them in her sleep. It goes like this: Highways, roads and bridges are the public transportation system in rural Ontario.

Minister, until I get that highway, I'm gonna keep on singing.

#### VETERANS

**Mr. Dave Levac (Brant):** Ontarians across the province take time during the first part of November to honour our veterans, who fought for our country and our freedom during the wars and conflicts at various times and in various places around the world. For many, the most visible way to remember our veterans is to wear a poppy. I ask all of us to support the poppy program run by our local service clubs.

But there are other ways in which we can express our thanks. In my own riding of Brant, I have been honoured over the last nine years to be one of the coordinators of the annual Thank-A-Vet luncheon. The luncheon, to be held this year on Saturday, November 4, is a small token to express our appreciation to the veterans of Brantford, Brant and Six Nations.

This is the largest event of its kind in Canada and sees the attendance of over 700 veterans, their spouses and widows, who come for a complimentary lunch and a chance to renew friendships and share their memories. The event continues to be a huge success, thanks every year to the efforts of the Thank-A-Vet committee and the many volunteers and patrons who donate their time, energy, money and sponsorship of this wonderful event.

I encourage all members of this House, and indeed the people of Ontario, to take time to thank a vet. We will remember, and we thank them for their sacrifices.

#### GOVERNMENT ADVERTISING

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** The Premier continues to defend his multi-million dollar partisan ads that tell Ontarians that there are more nurses and more doctors, and that patients spend less time waiting. He praises the accuracy of the information on the new wait time website.

Well, Premier, Ontarians are not impressed. They don't want government propaganda. They don't want you to misuse their tax dollars. They want health services, and they want the truth.

Your highly touted website says that, in my community, an average wait for an MRI is less than two months. In reality, I've just heard from two constituents who tell me something quite different. The father of an eight-year-old girl was told his daughter would have to wait four months for an MRI, and Gary McGregor's son-in-law was told he must wait seven months. This is a far cry from two months.

As well, as for your claim regarding new doctors, according to the 2005 CIHI physician supply report,

when you account for population growth, we had 3% fewer doctors per 100,000 people in 2005 than we did in 2001. In fact, the only real improvement is as a result of the initiatives we introduced: the increase in medical spaces and more foreign-trained doctors. Furthermore, while our government brought in more than 82 doctors to this province in 2001, under your rule you have lost 14 more than you gained. Stop wasting our money on ads.

#### PROPERTY TAXATION

**Mr. Michael Prue (Beaches-East York):** Last November 17, Howard Hampton, leader of the New Democratic Party, set up a task force and asked that task force to report on property tax evaluations. He asked me to chair it. He provided me with a wonderful group of people—Ethel Birkett-LaValley, a former reeve in small-town Ontario; Jeff Atkinson, who works with the Canadian Labour Congress; Chris Charlton, who is now a member of Parliament representing Hamilton Mountain; Alex Cullen, a former MPP in this House, who is now a councillor with the city of Ottawa and chair of that city's task force on property assessment; and last but not least, Tam Goossen, former trustee—to try to come to grips with the property tax assessment crisis that has been gripping this province.

We have not been afraid to consult. In fact, we have had meetings across Ontario—Toronto, Hamilton, London, Sudbury, Ottawa, Timmins, Fort Erie, Peterborough—and we've met with literally hundreds and hundreds of people. We set up a website and got nearly 500 people writing to us on how property taxes can be improved.

We are not afraid to report—not like this government, that's going to do it in 18 months. We will be releasing our report this coming weekend to the party. We are not content, in our report, that seniors are forced out of their homes, that the property tax system has no element of stability. We want to end the volatility, and we want to make sure that provincially mandated programs paid by the municipal property taxpayer are ended.

1340

#### MULTICULTURALISM

**Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale):** I rise today to speak about education in my riding of Bramalea-Gore-Malton-Springdale. It's a wonderful and diverse riding that truly represents our cultural mosaic and is one of the fastest-growing areas of Canada. I feel quite fortunate to have a culturally rich and diverse riding. About half of our population is comprised of visible minorities; nearly half come from outside of Canada. Our major ethnic groups are Canadian, East Indian, Italian, English, Jamaican and Portuguese. This represents unique opportunities and brings cause for many celebrations for our multitude of cultural holidays, such as Ramadan and Diwali.

As you know, rather than celebrating just one faith in our public schools, educators now take the opportunity to



help children learn about all cultures and all faiths. Better yet, many times it's the children teaching other children.

Last year alone, approximately 140,000 newcomers settled in Ontario. That's more than the population of PEI. As a result, the McGuinty government is changing with the times. For the first time in a number of years, this government has increased funds to school boards for English as a second language. The ESL we are providing increases flexibility to the system and bridges the language divide to create a culture of opportunity for entire families.

In my riding, we now have more specialist teachers, more student success teachers and more primary teachers since the Liberals—

**The Speaker (Hon. Michael A. Brown):** Thank you.

### HEALTH CARE

**Mrs. Linda Jeffrey (Brampton Centre):** I rise in the House today to discuss the issue of health care in the region of Peel.

I want to correct the record and speak to the recent Tory release that addresses the health care system in the region of Peel. I'm glad the honourable member has brought up the topic, although, clearly, he doesn't know what he's talking about. Our government has made investments of over \$45 million in the William Osler Health Centre. The new state-of-the-art hospital will be opening later this year. This is the hospital Premier Davis spoke about 25 years ago. Our government is delivering. Brampton has a new community health centre, a new satellite community health centre, so that more people have access to doctors.

The members of the Conservative Party have developed amnesia, and they hope that the good people of Brampton and Ontario will also forget that health care suffered during those eight long years of Tory rule. The Minister of Health during the previous Conservative government was from Brampton. He neglected his own community for years, and now he's the federal Minister of Health. His legacy in Peel needs to be fixed, and that's what this government is doing. We were elected because we're different. We've invested in health care. We've increased funding to hospitals by over \$2.47 billion since being elected. This government stands up for public health care. We understand how important it is, not only to my community of Brampton, but for all of Ontario.

### CONSERVATIVE NOMINATION CANDIDATE

**Mr. Vic Dhillon (Brampton West–Mississauga):** Racism has no place in Ontario, and it certainly should not have any place in political parties and those who seek to be leaders.

Last week, I received a copy of a letter from Jim Schembri, a candidate for the Conservative nomination from the riding of Brampton West. In that letter, this Conservative nomination candidate says that demographics were the most deciding factor in motivating him

to run as a Conservative. I want to quote directly from his letter.

"Unlike the previous riding, new boundaries that include Peel Village means 60.85% of Brampton West were born right here in Canada." And one more: "Unlike the previous riding, 69.58% of those in Brampton West considered themselves to be of the Christian faith compared to just 10.42% Sikh."

That's what he's implying. What he's implying is that, as an immigrant, I cannot represent those born in Canada. Let me tell Mr. Schembri and his leader, John Tory, that I'm proud to be an immigrant, I'm proud to be a Sikh Canadian and I'm proud to be a representative for Brampton.

I'm proud to be raising my children in Ontario. I'm proud to live in a province where it doesn't matter what the colour of your skin is or where you come from. It's a province where there's opportunity for all.

I'm disgusted with the Conservatives, I'm disgusted with this politics of division and I'm disgusted with John Tory, who is sitting on his hands and is not doing something about these offensive and racist comments.

### REPORTS BY COMMITTEES

#### STANDING COMMITTEE ON FINANCE AND ECONOMIC AFFAIRS

**Mr. Pat Hoy (Chatham–Kent Essex):** I beg leave to present a report from the standing committee on finance and economic affairs and move its adoption:

**The Clerk-at-the-Table (Mr. Todd Decker):** Your committee begs to report the following bill as amended:

Bill 65, An Act respecting mortgage brokerages, lenders and administrators / Projet de loi 65, Loi concernant les maisons de courtage d'hypothèques, les prêteurs hypothécaires et les administrateurs d'hypothèques.

**The Speaker (Hon. Michael A. Brown):** Shall the report be received and adopted? Agreed.

The bill is therefore ordered for third reading.

### INTRODUCTION OF BILLS

#### MINISTRY OF GOVERNMENT SERVICES CONSUMER PROTECTION AND SERVICE MODERNIZATION ACT, 2006

#### LOI DE 2006 DU MINISTÈRE DES SERVICES GOUVERNEMENTAUX SUR LA MODERNISATION DES SERVICES ET DE LA PROTECTION DU CONSOMMATEUR

Mr. Phillips moved first reading of the following bill:  
Bill 152, An Act to modernize various Acts administered by or affecting the Ministry of Government



Services / Projet de loi 152, Loi visant à moderniser diverses lois qui relèvent du ministère des Services gouvernementaux ou qui le touchent.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

Does the minister wish to make a brief statement?

**Hon. Gerry Phillips (Minister of Government Services):** In ministerial statements.

## MOTIONS

### PRIVATE MEMBERS' PUBLIC BUSINESS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I seek unanimous consent to put forward a motion without notice regarding private members' public business.

**The Speaker (Hon. Michael A. Brown):** Agreed? Agreed.

**Hon. Mr. Bradley:** I move that notwithstanding standing order 96(d), the following change be made to the ballot list of private members' public business: Mr. Kormos, Ms. Martel and Mr. Tabuns exchange places in the order of precedence, such that Mr. Kormos assumes ballot item number 74, Ms. Martel assumes ballot item number 59 and Mr. Tabuns assumes ballot item number 64.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

1350

## STATEMENTS BY THE MINISTRY AND RESPONSES

### CONSUMER PROTECTION

**Hon. Gerry Phillips (Minister of Government Services):** Today I'm introducing for first reading the Ministry of Government Services Consumer Protection and Service Modernization Act. The act provides important protection for all people of the province, our government once again proving we're on the side of Ontario families.

If passed, the legislation I've introduced will strengthen consumer protection, modernize government practices and enhance the government's ability to deliver service to the people of the province. This proposed legislation I've introduced today builds on the Consumer Protection Act that we enacted last year, which was a significant step forward for consumers and made Ontario a leader in consumer protection.

While we can be proud of the work we've done so far, we cannot rest on our laurels. Today we continue our work and move forward on several key areas. One of these important areas is an issue of real concern to

property owners across the province: real estate fraud. The people of this province work hard to make a house into a home. They deserve to know that their property is secure. This legislation will ensure that property owners do not lose their home as a result of real estate fraud or become responsible for fraudulent mortgages. If passed, this legislation would ensure that ownership of a property cannot be lost as a result of the registration of a falsified mortgage, fraudulent sale or a counterfeit power of attorney. Instead, an innocent homeowner's title will be restored to them and the fraudulent document will be nullified.

The legislation will also introduce new safeguards for suspending and revoking the accounts of suspected fraudsters so they cannot register documents. It will raise existing fines for real-estate-fraud-related offences from \$1,000 to \$50,000 and will strengthen our authority to allow for notification of property owners about any change to their title in our land registration system.

In addition to the steps announced, we are also working on four key areas. We are looking to: strengthen the land titles assurance funds so they're more responsive and more transparent to victims of fraud; actively question who should be able to register documents in the land registration system and what requirements they need to meet regulation authority; consider a notification system that notifies property owners when certain dealings are registered against their property.

Finally, we're also continuing to discuss changes on how powers of attorney are used in real estate transactions. Real estate fraud is an important issue for Ontarians. We are committed to continually taking steps to address this issue, because even one case of fraud is too many.

Recently, there has been explosion in popularity for gift cards, to the point where it is now a multi-billion dollar industry. If passed, this legislation will give the government regulatory powers to ban expiry dates on gift cards. The people of Ontario purchased these cards in good faith and they rightly expect that their purchase will retain its full value until it's redeemed. We want to ensure that Ontario consumers purchasing gift cards get what they pay for. We've heard their complaints about expired cards and this legislation will give us the power to work with the retail industry to put an end to this practice.

Another piece of the proposed legislation will introduce reforms to Ontario's liquor laws. This is part of our ongoing effort to ensure our liquor laws are updated and continue to reflect current realities by providing sufficient protection for consumers. We are giving the Alcohol and Gaming Commission more investigative and enforcement powers to ensure owners and operators of licensed establishments are appropriate. These powers will allow the AGCO to not only investigate the applicant but others associated with the business.

Changes we are proposing will allow bars and restaurants to expand their licence to allow patrons to carry their drink with them to separate areas of an establish-



ment, such as the washroom. This allows consumers to monitor their drinks at all times, reducing the likelihood of an unknown substance such as date rape drugs being used to taint their drink—

**The Speaker (Hon. Michael A. Brown):** I'm having great difficulty hearing the minister. Perhaps the other conversations going on could be taken outside. Minister?

**Hon. Mr. Phillips:** I'm also announcing additional protection measures included in the proposed legislation that will grant new powers to the Electrical Safety Authority, the ESA, to proactively protect Ontario families from unsafe electrical products. With the changes we're proposing, dangerous or unsafe electrical products can be seized or ordered to be removed from store shelves by the ESA. If a product has already been sold and is being used in people's homes, the new legislation would allow the ESA to require the manufacturer to notify consumers that the product is unsafe and to have it fixed. These enhancements to consumer protection will be solid news for consumers and businesses across the province.

As I mentioned earlier, along with strengthening consumer protection, we are also planning to modernize many current government practices to prepare Ontario for the opportunities and challenges the future holds. Among other items being updated and modernized for Ontarians are the province's corporate and business laws. Our government believes that Ontario competes effectively on the global stage. Ontario businesses rely on clear and effective rules to maintain an efficient and ethical marketplace. By updating corporate laws to improve corporate governance, increase shareholder protection and make businesses more competitive, this act would help keep Ontario's economy strong, opening the door to new investment and making this province an even more attractive destination to do business and create jobs.

The proposed legislation would also modernize the bereavement sector, greatly strengthening consumer protection by improving disclosure, notice and remedies for consumers and creating a modern, fair regulatory framework.

As we move forward on modernization, our government also recognizes the need to remember where we've come from. That's why, included in this act is legislation that, if passed, will update the framework of the Archives of Ontario for the first time in over 80 years, ensuring that our provincial heritage is preserved and accessible through the best methods available, including electronically and digitally.

In addition to these updates and the consumer protection elements that I've already mentioned, the legislation I'm introducing today would also allow us to protect vulnerable consumers, including underage youth, by prohibiting advertising for illegal Internet gaming websites.

Our protection to vulnerable consumers also extends to Ontarians victimized by or concerned about identity theft. If passed, this legislation would give consumers the right to place fraud alerts on their credit reports. It would place an obligation on the credit agencies to disclose the

flag any time anyone accesses the report, and it would impose an obligation on lenders and people who access the report to take reasonable steps to verify that the person involved in the transaction is the customer.

This is all part of our plan to modernize government in order to embrace the opportunities and meet the challenges of the 21st century.

The new measures being introduced today protect Ontarians and ensure that our government can deliver that protection in the most efficient way possible.

If passed, the Consumer Protection and Service Modernization Act will offer consumers some of the best protection of any jurisdiction in the world. By modernizing provincial statutes and regulations, this act ensures that Ontario's consumer protection and government services remain the very best for the future.

For these reasons, I call on all members to support passage of this important legislation.

## WASTE REDUCTION WEEK

### SEMAINE DE RÉDUCTION DES DÉCHETS

**Hon. Laurel C. Broten (Minister of the Environment):** This is Waste Reduction Week in Ontario.

This week, we also recognize and celebrate a remarkable milestone: the 25th anniversary of blue box recycling in Ontario. Twenty-five years ago, the people of Kitchener took blue boxes filled with recyclables out to the curb for the first time. It was a pilot project and it proved to be very successful. Two years later, the program had been expanded across Kitchener and the concept of reduce, reuse and recycle was spreading to communities across Ontario and across our nation.

Aujourd'hui, dans l'esprit de cette démarche, avec la boîte bleue, 4,6 millions de logements ontariens recyclent leurs déchets. La boîte bleue est devenue, avec les années, un modèle de collecte sélective porte à porte pour le monde entier, un symbole reconnu à l'échelle internationale de réacheminement des déchets et d'efforts collectifs.

Nous sommes témoins de l'impact que ce programme innovateur a eu dans le cadre des efforts que nous déployons pour assurer un environnement propre et sain, le genre d'avenir que nous voulons tous.

Today, using the icon of diversion—the blue box—4.6 million households in Ontario recycle. We watched the blue box become a model for curbside recycling around the world, an internationally recognized symbol of waste diversion and collective effort. We witnessed the impact of this innovative program in delivering a cleaner, healthier environment and the kind of future that we all want.

It's a made-in-Ontario success story, with a great many heroes. I want to recognize a few of those heroes today:

—Pollution Probe, its staff and volunteers, who in the 1970s recognized the negative effects of the huge amount of garbage we were generating and pushed recycling on to the public agenda;



—the Recycling Council of Ontario, which was set up to help struggling recycling operators market the garbage they were collecting from community depots and door-to-door drives, giving more people the chance to be involved;

—Derek Stephenson, along with Jack McGinnis, who back in 1974 started a grassroots-level curbside collection program that picked up glass, cans and newspapers from households in the Beaches in Toronto's East York;

—Nyle Ludolph, the “grandfather of the blue box,” who in 1981, together with his employer, Laidlaw Waste Systems, spearheaded the first pilot project in Kitchener to reduce household waste.

1400

You may recall that the blue box program was launched with a catchphrase that spoke to all Ontarians. Let me remind you what it was. It was simply “You can make a difference.”

Joining us today is one of Ontario's leaders in the recycling movement, whose vision and commitment are indeed making a difference. Please join me in welcoming Damian Bassett, president and CEO of Corporations Supporting Recycling and CEO of Stewardship Ontario. I had the pleasure of meeting Mr. Bassett this morning at a wonderful event recognizing 25 years of blue box recycling.

I'd like to thank the teachers and students at Don Mills Middle School, Don Mills Collegiate, and Cassandra Public School, who used their vital minds and boundless energy to celebrate this anniversary with flair and creativity.

Earlier today, they constructed a giant sculpture of Ontario, made entirely of blue boxes. More than 300 students participated in building a giant map of Ontario using nearly 2,000 blue boxes. I'm sure all the members of the House will join me in congratulating the students who took part in this morning's event.

In 2004, the blue box program diverted 824,000 tonnes of recyclable materials away from disposal in landfills. That's an average of 178 kilograms per household.

Composting is also on the rise in many communities and. In fact, I'm proud to say that the green bin program had its start here in Toronto, in my community of Etobicoke.

Just last week in Yellowknife, where I met with my counterparts from across the country at the Canadian Council of Ministers of the Environment, I had the opportunity to champion another key element to effective waste diversion: a national packaging protocol. I was proud to voice our government's intention at that meeting to take action on reducing packaging. If we take home less packaging, we will end up with less garbage. We've agreed to work together with industry to develop ways to reduce the amount of waste our society generates.

We are making progress, but we're not yet where we want to be. Ontario still faces many challenges in meeting waste diversion and management needs for the 21st century, but blue box has shown us that monumental

precedent-setting change is possible. We can make a difference. We are committed to working with all of our partners at the municipalities to find new, effective ways to divert and manage the waste we create.

Ontario is making progress in expanding the scope of recyclable materials, in streamlining approvals for recycling facilities, in developing waste-derived fuels, in paving the way for new, cleaner technologies. Our government is continuing the journey that began 25 years ago. We are proud to stand together with those first pioneers and with a continuing commitment to a cleaner, safer, healthier environment for our families, our communities and our future.

#### ELDER ABUSE AWARENESS DAY

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I rise in the Legislature today as minister responsible for seniors to mark October 19 as Elder Abuse Awareness Day in the province of Ontario.

We are joined in the gallery by seniors from across Ontario who have come to help us send a critical message to all Ontarians that there is no place for elder abuse in the province. I'd like members to acknowledge the people in the gallery who have joined us today.

We're also joined by a group of dedicated individuals representing the Ontario Network for the Prevention of Elder Abuse, Toronto's St. Christopher House, the Toronto Police Service, and students of Seneca College. All have worked tirelessly to raise awareness and combat elder abuse in Ontario.

I believe we can take pride in the fact that in 2004, when MPP David Zimmer first introduced Elder Abuse Awareness Day in Ontario, we became the first jurisdiction in Canada to do so. It saddens me, however, that the need for such a day exists, and I know that there is broad commitment in the Legislature to eradicate elder abuse in every corner of the province.

Elder Abuse Awareness Day is an important reminder to all of us that this often hidden form of abuse affects older Ontarians every day. It is estimated that between 60,000 to 150,000 Ontario seniors have experienced or will experience some form of abuse, whether financial, emotional or physical. More disturbing yet is the fact that statistics show elder abuse is often perpetrated by someone in a position of trust or authority: a family member, a close relative, a neighbour, a friend or a caregiver.

Ontario is playing a leadership role in the elimination of elder abuse and was the first province to introduce a long-term, comprehensive strategy to address this issue. Ontario's five-year, \$4.3-million strategy to combat elder abuse addresses three priorities: greater coordination of community services; more effective training and education for those who work with seniors; and broad public education and awareness building. The province's toll-free victim support line, for example, provides support to seniors to get help from trained, qualified counsellors, and all calls are confidential.



Earlier this year, in conjunction with the first World Elder Abuse Awareness Day, my parliamentary assistant, Bob Delaney, took part in unveiling three public service announcements that are raising awareness of this critical issue. The campaign was developed by the Ontario Network for the Prevention of Elder Abuse so that more Ontarians who suspect elder abuse will know where to turn for help. I'm pleased to acknowledge the Ontario Network for the Prevention of Elder Abuse, which has been working closely with the Ontario Seniors' Secretariat and the Ministry of the Attorney General to implement our elder abuse strategy.

I would conclude by reminding Ontarians, however, that each of us has a role to play. Reporting and preventing elder abuse cannot be someone else's responsibility but must be our own—each of us, as neighbours, as friends, as family members, as caregivers. Ontario's seniors have the right to live in safety, with dignity and independence.

It is my hope that this important day will continue to strengthen our commitment to get involved, to take action and to make a difference.

#### CONSUMER PROTECTION

**Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford):** I wish to comment on the Minister of Government Services' housecleaning bill, which involves 53 statutes. I can't comment on all 53, but I'm going to focus on two areas where I believe the government falls woefully short and is still putting Ontarians at serious risk.

First of all, real estate fraud is not a housecleaning issue but a serious issue which the minister fails to address, as I did in my Bill 136, the Restore the Deed Act. Victims of fraud are forgotten. Homeowners in this province are still at serious risk. The bill fails to reduce the harm by ensuring that the person who is the rightful owner of the property keeps the property. The bill fails to prevent the fraud by restricting access to registration of documents to licensed real estate professionals who carry liability insurance. It fails by requiring no notification of statements and the freezing of the register. And it does not establish any system to ensure that people with fraudulent intentions don't still go on the land registry system.

It also does not reform the land titles assurance fund, because it has not made it a fund of first resort to be operated by an arm's-length board of directors, to ensure that the process works quicker, to ensure that the process is fair to the people who are victims of fraud. And it also doesn't help the victims of fraud by providing reasonable legal costs to ensure that their rights are protected.

The other area I want to comment on is the unsafe electrical products. The government is focusing on enforcement after the accident. Parents and children are still at risk. What we need is enforcement at the distributor level of defective products manufactured offshore, so that products don't get into the store. We also need one product market in this province for safe

electrical products, not 14. Retailers need to know that they're selling a safe product, and consumers need to know that they're buying a safe product.

Those are all my comments, and I look forward to dealing with this bill.

1410

#### WASTE REDUCTION WEEK

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** On behalf of John Tory and the PC caucus, I would like to respond to the minister's statement and repeat our earlier acknowledgment of Waste Reduction Week.

I'd like to also reiterate my earlier congratulations to Stewardship Ontario, the Recycling Council of Ontario, the corporations supporting recycling and the thousands and thousands of hard-working Ontarians and businesses who are doing their part to reduce. I'd like to send my thanks to Damian Bassett for joining us today in the Legislature.

I think it's important to put on the record that it was a Progressive Conservative government, back in 1980, that first approved and funded a waste separation program.

Despite the minister's patting herself and her colleagues on the back, I think it's important to talk about what they haven't told us. The Deputy Minister of the Environment himself has stated that this government will not meet the 60% waste diversion promise made by the Dalton McGuinty government. The member for Perth–Middlesex said, "We have an amazing plan." Guess what? There is no plan. One broken promise after another broken promise. Neither he nor the minister nor anyone on that side of the House has ever presented such a plan.

Although the Premier and the Minister of the Environment were ready and able to jump on the LCBO recycling program, they've been less than quick—even stagnant—in telling Ontario taxpayers what this is going to cost them. I'd like to point out that the LCBO puts \$5 million into the blue box program every year. Is the blue box program going to continue, based on your LCBO policy? You refuse to answer.

Come clean with the people of Ontario. Stop patting yourselves on the back and give us a plan.

#### ELDER ABUSE AWARENESS DAY

**Mr. Jim Wilson (Simcoe–Grey):** I want to join with the Minister of Tourism in his remarks concerning recognizing Elder Abuse Awareness Day. Of course, it goes without saying that every day should be Elder Abuse Awareness Day.

I didn't know, until I had a seniors' seminar in Alliston in June and Constable Melody Tourigny made it clear to the audience there, that elder abuse is on the rise. In fact, her whole half-hour presentation was about elder abuse. As the minister said, between 60,000 and 150,000 elderly may be at risk of being abused, may be abused now or may be abused in the future, and that's between 4% and 10% of the population. That's consistent,



because I went on the Department of Justice website. Back in 1999, a survey of 4,000 Canadian adults showed that about 7% had experienced various forms of abuse, whether it was physical or sexual abuse, psychological abuse, financial abuse, and I would add to that identity theft, which is a new one that the OPP points out.

I want to thank those in the gallery who work hard to prevent elder abuse, and ask all Ontarians to be vigilant every day to make sure we prevent and stop elder abuse.

#### WASTE REDUCTION WEEK

**Mr. Peter Tabuns (Toronto-Danforth):** I rise to comment on the 25th anniversary of the blue box. There's no question that this anniversary reminds us that people and governments can make a difference; so all the more disappointing, disheartening and wrong that this government has decided to forsake its commitments to implement 60% waste diversion. This government has declined to build on the foundation the blue box has left us.

This summer I filed a very inexpensive freedom of information request: I asked for the government's 60% waste diversion plan. Since all I got back was a simple letter saying, "No such document exists," the fees were negligible. This government is truly, truly neglecting its obligations to protect the environment and to protect the people of this province and their environment.

#### CONSUMER PROTECTION

**Mr. Peter Kormos (Niagara Centre):** I want to speak to the omnibus bill put forward today by the Minister of Government Services. Here we go, the government has done it once again: generated a piece of legislation that covers everything from A to Z.

Let me speak very briefly about the purported Consumer Protection Act amendments. It's ironic that this government would even talk about consumer protection legislation when this government dismantled, abolished, padlocked the Minister of Consumer Affairs, the one ministry that was capable of providing consumer protection. There are no inspectors anymore. There are no enforcement officers anymore. Nobody even answers the phone. All you get is voice mail and directions to press numbers 1, 2, 3, 4 or 5. This is ridiculous.

We don't even have the legislation that folks across this province have been calling for; that is, real control on the scams, the rip-offs, the outright pickpocketing that retailers are doing with gift cards. All the bill does is permit the government to create regulations, none of which will be debated here in the chamber, none of which will be discussed publicly, none of which will be the result of any public hearings.

Perhaps the government would like to clean up its own backyard first. Here's an LCBO Vintages gift card that expires before the wine is even ready to be corked. Perhaps the minister would instruct his very own LCBO to here and now end the incredibly unsavoury, unpopular

and disreputable practice of arbitrary limits on gift cards. Start with the LCBO, Minister.

You open up the Freedom of Information and Protection of Privacy Act, and I say to you that we welcome that; we welcome that debate. When the original white paper was tabled in this Legislature that led to the seminal legislation that recommended that the Speaker's office be subject to freedom of information requests, the mandatory review conducted in the early 1990s by a tripartite community recommended that the Speaker's office be subject to freedom of information requests. I say to you, sir, that it's time for this government to give effect to those recommendations to create real freedom of information in this province and ensure that the Speaker's office is subject to freedom of information requests.

I further put to you that there's going to be significant, widespread demand for public hearings around this bill. The amendments to the Land Titles Act fall far short of what victims expect from this government when it comes to compensating people who are the victims of fraud; in fact, the failure of this government to make any proposals that will in any way realistically control the filing of forced or otherwise fraudulent documents. You do nothing in that regard, sir.

The real way to protect the land titles system from forged and otherwise fraudulent documents is to restaff those land titles offices with trained, professional staff persons who can physically examine the documents, and who are in a far better position to assess documents to determine whether there's a potential fraud.

#### ELDER ABUSE AWARENESS DAY

**Ms. Shelley Martel (Nickel Belt):** On behalf of New Democrats, I'm pleased to respond to the statement made by the minister responsible for seniors.

I had the privilege of attending the information fair at Queen's Park at noon to acknowledge October 19 as Elder Abuse Awareness Day. I was pleased to see many seniors from many parts of Ontario, who are working in their communities or directing organizations that are trying to combat abuse.

I thank those seniors for their participation at the information fair, for their presence here in the gallery this afternoon and, most importantly, for the tremendous work they are doing to try to eradicate elder abuse. That's their number one goal.

It comes in many forms, demonstrated through physical abuse, violence, emotional abuse, neglect of basic needs and stealing or withholding money, but it's all a crime. It is insidious, it is reprehensible and it needs to stop.

While we recognize today and acknowledge today, it is incumbent on all of us to recognize that every day we have to be aware of elder abuse and do everything we can in our communities to stop it.

## VISITORS

**Hon. Michael Bryant (Attorney General):** On a point of order, Mr. Speaker: I want to recognize some guests in the government gallery: two great paralegals, Mr. Paul Dray and Mr. Stephen Parker; and the great treasurer for the Law Society of Upper Canada, Gavin MacKenzie, all of whom played a leadership role with respect to Bill 14, on which we are voting in just a minute.

**The Speaker (Hon. Michael A. Brown):** We have with us in the Speaker's gallery a parliamentary delegation from the North West Provincial Legislature, Republic of South Africa. The delegation is the public accounts committee, led by the Honourable Mavis Matladi, chairperson of the committee.

Please join me in welcoming our guests.

## DEFERRED VOTES

## ACCESS TO JUSTICE ACT, 2006

## LOI DE 2006

## SUR L'ACCÈS À LA JUSTICE

Deferred vote on the motion for third reading of Bill 14, An Act to promote access to justice by amending or repealing various Acts and by enacting the Legislation Act, 2006 / Projet de loi 14, Loi visant à promouvoir l'accès à la justice en modifiant ou abrogeant diverses lois et en édictant la Loi de 2006 sur la législation.

**The Speaker (Hon. Michael A. Brown):** Call in the members. This will be a five-minute bell.

*The division bells rang from 1419 to 1424.*

**The Speaker:** Mr. Caplan has moved third reading of Bill 14, An Act to promote access to justice by amending or repealing various acts and by enacting the Legislation Act, 2006.

All those in favour will please stand one at a time and be recognized by the Clerk.

## Ayes

Arthurs, Wayne	Duncan, Dwight	Qaadri, Shafiq
Balkissoon, Bas	Fonseca, Peter	Racco, Mario G.
Bartolucci, Rick	Gerretsen, John	Ramal, Khalil
Bentley, Christopher	Hoy, Pat	Ramsay, David
Bountrogianni, Marie	Jeffrey, Linda	Rinaldi, Lou
Bradley, James J.	Kular, Kuldip	Sandals, Liz
Broten, Laurel C.	Kwinter, Monte	Sergio, Mario
Brownell, Jim	Lalonde, Jean-Marc	Smith, Monique
Bryant, Michael	Levac, Dave	Smitherman, George
Cansfield, Donna H.	Matthews, Deborah	Sorbara, Gregory S.
Chambers, Mary Anne V.	McMeekin, Ted	Takhar, Harinder S.
Colle, Mike	Meilleur, Madeleine	Van Bommel, Maria
Delaney, Bob	Milloy, John	Watson, Jim
Dhillon, Vic	Mossop, Jennifer F.	Wilkinson, John
Di Cocco, Caroline	Peters, Steve	Wynne, Kathleen O.
Dombrowsky, Leona	Phillips, Gerry	Zimmer, David
Duguid, Brad	Pupatello, Sandra	

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

## Nays

Arnott, Ted	Hudak, Tim	Scott, Laurie
Barrett, Toby	Klees, Frank	Tabuns, Peter
Chudleigh, Ted	Kormos, Peter	Tascona, Joseph N.
DiNovo, Cheri	Marchese, Rosario	Tory, John
Elliott, Christine	Martel, Shelley	Wilson, Jim
Hampton, Howard	Miller, Norm	Witmer, Elizabeth
Hardeman, Ernie	Prue, Michael	Yakubski, John
Horwath, Andrea	Runciman, Robert W.	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 50; the nays are 23.

**The Speaker:** I declare the motion carried.

Be it resolved that the bill do now pass and be entitled as in the motion.

## VISITORS

**The Speaker (Hon. Michael A. Brown):** We have with us in the Speaker's gallery a parliamentary delegation from the Islamic Republic of Pakistan, led by the Honourable Mohammedmian Soomro, chairman of the senate of Pakistan. Accompanying the delegation is Ghalib Iqbal, Consul General of Pakistan in Toronto. Please join me in welcoming our guests.

## ORAL QUESTIONS

## HOSPITAL SERVICES

**Mr. John Tory (Leader of the Opposition):** Yesterday, I had the opportunity to tour the Peel Memorial Hospital. What I saw there was shocking to me and I think would be shocking to most people in Ontario. In that hospital, on a day that the staff said was far from the worst that it gets, the average wait time to see a doctor in the emergency room was 12 hours—12 hours. There were 25 people in the emergency room who had been admitted to the hospital, but were lying on gurneys in the hallways or occupying examination rooms because there were no beds available for them upstairs. The nurses and doctors told me that it's not unusual for people to lie in the ER sometimes for four or five days, for babies who are there as pediatric emergency cases to spend hours at a time, long periods of time, waiting for a bed in the hospital.

Minister, is this a situation, at Peel Memorial, that you find acceptable?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I want to thank the honourable member for his question. We note that when he was in Brampton today he didn't do anything to address the circumstance within his own political party in his role as leader, which is to bring an end to the divisive tactics of one of his candidates running for nomination who has decided to take a look at the demographics and split the whole world up on the basis of how long they've been in our country and on the basis of what



religion they are. This is the kind of action that we expect leadership from the honourable member—

**Mr. Frank Klees (Oak Ridges):** On a point of order, Mr. Speaker: I believe, according to our standing orders, the minister is out of order by not responding to the specific question.

1430

**The Speaker (Hon. Michael A. Brown):** The minister will know that he is to respond to the questions that are put. His answer wasn't complete, so I don't know that he hadn't.

**Hon. Mr. Smitherman:** I can see the touchiness of the official opposition on a matter of the traditional nature of their party, which is to divide Ontarians up on the basis of their religion and how long they've been in this country. To seek the protection of those by the honourable member is rather unbecoming.

The circumstances in Brampton are challenging, but the honourable member well knows that the circumstances in Brampton will soon be improved, because just on the other side of town, where he didn't go and visit, is coming to life one of Ontario's largest hospitals, which will bring an additional 302 beds to the Brampton community.

**Mr. Tory:** Actually, I did go and visit the new hospital under construction, where they're awaiting news of the \$300 million they need to make sure they can equip that hospital, but that's for another day.

You, of course, made no answer whatsoever to what I told you about the circumstances where people were waiting 12 hours to see a doctor yesterday. Twenty-five people were admitted to the emergency room, lying on gurneys. That is a situation you could do something about. This isn't even one of the hospitals on the crisis list, of the 20 that are listed on the emergency room crisis list.

The Canadian Press said yesterday that your response to all these reports—you've had three of them collecting dust in your office—is going to be released next week and will have a model on how to admit patients more efficiently and move them to a more appropriate place. Well, all the models in the world won't move people to beds that you refuse to fund.

The doctors and nurses at that hospital told me yesterday that there are beds that physically exist in that hospital that you could fund tomorrow with the stroke of a pen, if you chose to do so, and take the load off the emergency room. Will you commit right here and now to funding those beds in Peel Memorial and getting those people out of the emergency room?

**Hon. Mr. Smitherman:** Customary with his role as leader, he hasn't stepped up to the plate. He didn't offer in that response any word about what he's going to do to bring to an end the divisive tactics in Brampton that are dividing people on the basis of their religion and how long they've been in this country. That, sir, is a failure of leadership on your part.

With respect to Peel Memorial Hospital, this is a hospital I know well; this is the hospital where my father

passed on. That's why I've been so proud to work with these members from Brampton on the construction of a new hospital that will bring 302 additional beds.

The honourable member makes up some inflated number about the equipment demands, demonstrating that he is not in the same orbit as everybody else who's working hard on these issues.

In addition, we've made tremendously large investments to enhance the quality of community services, including in the Brampton community. We've invested \$2.5 billion and fully \$650 million more this year in the operation of our hospitals. You've promised to cut taxes and cut health care by \$2.5 billion. Stand in your place and rationalize these two approaches. Offer more—

**The Speaker:** Thank you. I think all members would know that it is appropriate to ask all questions and respond to all questions through the Speaker. When you do that, all questions and responses end up being in the third person. I would just ask that all members remember that as we continue.

The Leader of the Opposition.

**Mr. Tory:** The minister absolutely refused to address the fact that there were people waiting an average of 12 hours to see a doctor in the Peel Memorial emergency room yesterday and the fact that 25 patients were lying on gurneys, admitted to the hospital, some who had been there for days at a time. I can only take from the utter failure to address that question at all that you don't care about that.

There were more than two dozen people waiting, and they only had six discharges yesterday. One of the other by-products of this was that were all kinds of EMS staff—paramedics and ambulance staff—around the emergency room, forced to stay there to look after patients because those patients could not be admitted to the hospital because your government refuses to fund the beds that would allow those people to be out of the emergency room and in a proper acute care bed.

The people at Peel Memorial, the nurses and doctors I talked to and listened to yesterday, want you not to cherry-pick but to implement all the recommendations in these reports you've received. Will you commit to doing that and to funding these beds that are needed to clear out the emergency room at Peel Memorial? Will you do it or not?

**Hon. Mr. Smitherman:** I want to say to the honourable member, through you, Mr. Speaker, that that's two chances to demonstrate some leadership on the action of the divisive nature of your party in Brampton. Our track record in Brampton is one that we're very proud of. We're taking a very, very old hospital and building the largest new hospital you could ever imagine, that will bring to that community a net increase of 302 beds.

The honourable member talks about a report, but he doesn't like what the report says because the report lays the responsibility for the challenges that we're having on two policies that were the hallmark of his party while in office related to health care: (1) Make sure we don't have enough doctors; and (2) close down 22% of our acute



care capacity. We're working to rebuild that with 2,000 beds that are coming online. We brought \$650 million of new resource to hospitals this year.

Another question unanswered by the honourable member is: How much more would you be offering to Peel Memorial, and where would you get the resources, since you're the one promising a \$2.5-billion reduction to health care spending in Ontario? Where?

#### ONTARIO PUBLIC SERVICE

**Mr. John Tory (Leader of the Opposition):** My question is for the Deputy Premier. Deputy Premier, can you confirm that no ministerial staff members are using their time or government-of-Ontario, taxpayer-funded resources to assist with the federal Liberal leadership campaign?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I'm not sure how this relates to me particularly, but I'm pleased to offer this to the honourable member. Of course in the work that we do related to politics, people who work alongside us may choose in their voluntary hours to be involved in some engagement or other. Obviously, people who have the privilege of working alongside us in government are dedicated to the challenge of improving the quality of public services for Ontarians, and it's everybody's complete expectation that that's what they're going about during their working hours.

**Mr. Tory:** That's maybe the answer I would have expected to receive from the Ontario co-chair of the Bob Rae leadership campaign, but I asked a very simple question about the use of government, taxpayer-funded resources on the federal Liberal leadership campaign.

I ask if the Deputy Premier could explain why the Liberal Party of Canada has posted on the Internet the names and addresses of Ontario ministry staffers, staff members in ministers' offices, paid by the taxpayers, together with their government e-mail addresses and their government phone numbers, as contact points for the Liberal Party of Canada. This includes, for example, Elizabeth Hall, senior policy adviser to the Attorney General using both the ministry telephone number and e-mail address; Jason Murray, policy assistant, Attorney General, using the ministry e-mail address.

Could you explain why the Liberal Party would put this information on the Internet, government-financed resources, apparently with your permission?

**Hon. Mr. Smitherman:** The "apparently with your permission" part is the interesting thing we have as a little sidearm from the honourable member. He has nothing to back that up. There's no go there; there's only show.

The reality is, as I answered earlier, people who have the privilege of working alongside ministers in government roles have an obligation on a daily basis to do that duty on behalf of the people of Ontario. It's our complete expectation inside our government that people are conducting themselves in that fashion. To suggest that it

is the responsibility of an individual to protect the world from noting or listing phone numbers is like suggesting to the honourable member that any time the phrase "Progressive Conservative" is noted alongside a government-based phone number that the taxpayers are paying for, that is somehow a violation of the principle that I've well addressed now.

It's clear that people who are working for our party, who are working for our government, are dedicated to the challenges at hand, which are on behalf of Ontarians, and that will always be the case.

**Mr. Tory:** This represents, I would say with respect, a complete admission of the fact that the government has totally lost sight of the distinction between the taxpayers' money and what it's to be used for. This is just proof positive backing up what we've been saying about the advertising campaign. It strikes to the heart of trust in government and respect for the taxpayers' money, just like the taxpayer-financed propaganda campaigns.

The Premier said that his members and staffers were expected to not "compromise their higher obligations to both their constituents and to the government." Perhaps you could explain why the Liberal Party posted on the Internet a list of returning officers for the delegate selection meetings, including Aaron Lazarus, director, issues management and legislative affairs, Premier's office, using his Premier's office e-mail address; Barbara Joy, assistant director, issues management and legislative affairs, Premier's office, using the Premier's office e-mail address. What are these e-mail addresses doing on the Liberal Party website? What are these people doing receiving and processing these e-mails on the government's time in the Parliament of Ontario in the Premier's office? What are they doing?

**Hon. Mr. Smitherman:** The honourable member has offered as proof positive the idea that he has made some case because an e-mail address got captured on a list that was prepared by some third party. This is an absurd suggestion.

I can assure the honourable member that the Liberal Parties, provincially and federally, have been distinct organizations since Stuart Smith was the leader of the provincial Liberal Party. That's going back about 25 years.

The point is made rather well, so far. It is that people who have the privilege of working alongside ministers inside our government have an obligation on a daily basis to dedicate themselves to the people of the province of Ontario. I can assure the honourable member that the names most recently mentioned are on the job today, and some within eyesight of the honourable member, not out doing the nefarious activities that he would like us all to believe.

1440

#### WATER QUALITY

**Mr. Howard Hampton (Kenora-Rainy River):** My question is to the Minister of the Environment. Yesterday



you said that every one of us in this province has a fundamental right to safe, clean drinking water. I want to read to you the details of a recent survey of drinking water in a community in Ontario. It says, "The water haulage trucks service only 20 houses. The water is then put in plastic holding tanks. These tanks are not cleaned or disinfected. Many residents are required to travel to the water plant to obtain their water, which is collected using pails. The water treatment plant is not accessible to all residents because of the distance and/or lack of transportation."

Minister, you were the one who said that every one of us in this province has a fundamental right to safe, clean drinking water. The people I'm referring to here are the people of Pikangikum. Their drinking water is not safe and they do not get, under your Clean Water Act, any cleaner, safer drinking water. Can you explain why that is?

**Hon. Laurel C. Broten (Minister of the Environment):** I know that the minister responsible for aboriginal affairs will want an opportunity to speak to these issues. But I first want to speak to correct the facts set out by the leader of the third party. If he were to review the amendments that were made to the Clean Water Act, we ensured in those amendments that those First Nations communities that want to be part of an overall regime, where we work with our neighbours side by side and ensure that all communities within the boundaries of a watershed have the opportunity to participate, to ensure that the risks and threats to their drinking water are identified—the role of the provincial government is clear and the federal responsibility is also clear. For our part, we are ensuring, with our Clean Water Act, that the opportunity is available for those communities to participate in what will be the largest and most significant scientific exercise and—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mr. Hampton:** Minister, you say there's an opportunity here to participate. In fact, the chief wrote to you and to the Premier asking for help, asking for your participation.

I want to quote again from this survey, which was just completed a few weeks ago: "Twenty of the 387 homes are serviced by holding tanks and truck-hauled sewage; 367 houses rely on pit privies for sewage disposal. Sewage is pumped to the existing lagoon. The lagoon discharges upstream of the intake for the water treatment plant in the community."

Minister, this community wrote to you and to the Premier. They said, "We have serious health problems, serious water quality problems." Can you tell me, have you done anything to follow up to respond to this community, which has asked for your help, so that they can have safe, clean drinking water?

**Hon. Ms. Broten:** I will point out to the leader of the third party that on numerous occasions in this province, we have provided expertise to communities in the north. We have corresponded with the federal minister, Minister Prentice, in many circumstances, offering up the expert-

ise of the chief drinking water inspector being made available.

Ontario has the toughest drinking water standards in all the world, having recently been recognized as having moved from the top of the class to a class of our own.

We want to make those resources available to the federal government, which has this primary responsibility. We have done so on numerous occasions. We will continue to do that, because we will play our part to ensure that communities right across this province, whoever's jurisdiction they're in, have the resources, the opportunities and the expertise they need to ensure that they have clean, safe drinking water.

**Mr. Hampton:** Minister, this is what the chief and council don't understand. The source of their drinking water is Pikangikum Lake, which falls under your jurisdiction. The body that did the report is the northwestern health unit, at the request of the First Nation, which did it under the mandate of the Ontario Health Protection and Promotion Act to prevent disease and protect health. When these people become sick from drinking unsafe drinking water, they will wind up in Ontario hospitals and in the Ontario health care system, but your bill does virtually nothing to help them, and they continue in a state where they will be drinking unsafe drinking water.

You say that everyone has a fundamental right to safe, clean drinking water. You had a chance, an opportunity, in your bill to do something about this situation. Why does this situation continue now under the McGuinty government?

**Hon. Ms. Broten:** The minister responsible for aboriginal affairs.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** The truth of the matter is, the federal government is not stepping up to its responsibilities to aboriginal people across this country, let alone Ontario, and that's what is going on here.

**Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal):** Missing in action.

**Hon. Mr. Ramsay:** They've been missing in action on all sorts of fronts in this province, especially when it comes to providing safe, clean drinking water in First Nation communities. It's this government that has stepped up to the plate, speaking a year ago with Kashechewan and ordering the evacuation of those people there. We sent up experts from the Clean Water Agency to Attawapiskat the other day. So Ontario is stepping up to the plate to fill the void that has been left by the federal government. They're not living up to their responsibility. The minister and myself are constantly writing to Jim Prentice to say that the federal government has to do its job.

We are engaged in discussions with First Nations, but I will tell you that First Nation communities are not saying to the province to take it over. They also believe that the federal government should be living up to its responsibilities, and that's why we're working together, to make sure that happens.

**The Speaker:** New question?



**Mr. Hampton:** To the Minister of the Environment again: It was you who said, "Every one of us in this province has a fundamental right to safe, clean drinking water"—not a compromised right, not a sometimes right, not maybe a federal right or maybe a provincial right; a fundamental right.

I want to quote again from the report: "The inadequate water supply and sewage disposal systems have placed Pikangikum First Nation at high risk of illness, and it is probable that many residents of the community have suffered illnesses as a result of these dysfunctional and unregulated water and sewage systems."

I repeat: The source of their water is Pikangikum Lake, which falls under your jurisdiction and the Minister of Natural Resources' jurisdiction. The report was done by an Ontario body funded by the Ministry of Health. When these people become sick, they wind up in Ontario hospitals and in the Ontario health care system.

What the people are asking is that when you pass a new act, couldn't something be done to provide more effective protection of their drinking water in the first place?

**Hon. Ms. Broten:** I guess the leader of the third party in his own facts clearly demonstrates the role that the province is playing: an active role in ensuring that we establish tough standards, that we do our part, that we step in, in the absence of the federal government, after many instances of encouraging them to do that.

I meet regularly with communities from across the north of our province, from all corners, who are suffering these issues. As the minister said previously, those communities want the federal government to step up. We are doing our part. The Clean Water Act makes that opportunity available to them to participate on a voluntary basis to be part of the process that is being undertaken in the province. We clearly defined and delineated that we would not be encumbering any of their rights by the establishment of a non-derogation clause in that bill, and that will allow us to continue to do the good work that we have done, all the while encouraging the federal government to do their part.

**Mr. Hampton:** The minister refers to the good work that you have done. I want to quote the medical officer of health in his conclusions: "None of the four northwestern health unit members who visited are new to the topics under consideration, nor are we naive, but we were all shocked at the extent of the neglect we witnessed. We are all willing to testify in any forum, and in a formal or informal manner, regarding our observations."

Minister, the McGuinty government, as it is wont to do all the time, says that you've just passed the most fantastic water protection legislation in North America. You say that every person in Ontario, every citizen, has a fundamental right to clean water. I'm asking you: With this bill, for these First Nations, who draw their water from a source that is under your jurisdiction, what changes and what benefit do they get?

1450

**Hon. Ms. Broten:** To the minister responsible for aboriginal affairs.

**Hon. Mr. Ramsay:** The leader of the third party wants it both ways, because if I were to take an unusual step and say today that the province of Ontario will take over this responsibility, unlike any other province or territory in this country, these guys would be the first people to stand up and say, "How dare you do that without consulting with the First Nation community?"

Last week, I met with Grand Chief Stan Beardy, and Stan Beardy never brought up water. That's not what he wanted to talk about. He never even mentioned it, didn't want to discuss it, let alone ask us to take it over, because he knows that's an entitlement and a responsibility from the federal government, and that's the way he wants to keep it. So we all should be working together to make sure the Harper government keeps its responsibility to aboriginal people right across this country.

**Mr. Hampton:** I merely want to read from the letter of the chief of the First Nation, written to Ontario ministers:

"The report states, as we have done for years, that the absence of safe drinking water and sewage disposal places our community at risk.... What concerns us is the fact that this situation has been there for years, as has the risk, but has not led to adequate action on the part of the federal or province governments. It seems to us that there has been a determined effort to ignore our basic needs.

"Please, consider this to be a formal request for your involvement in the situation facing Pikangikum First Nation, with the type and extent of this involvement to be discussed primarily with us.... We are aware that Dr. Basrur visited Sandy Lake and Wunnumin First Nations ... and that she was concerned regarding the conditions she witnessed."

The chief and council are asking the McGuinty government for your specific involvement. They're citizens of Ontario too; in fact, they're the first citizens of Ontario. Why does your Clean Water Act virtually leave them—

**The Speaker:** The question has been asked.

**Hon. Mr. Ramsay:** It was about a year ago that the Premiers of all the provinces and the Premiers of the territories met together with ministers and First Nation leaders of this country in Kelowna, BC. At that time, we all came together and unanimously agreed on a \$5-billion package to improve the lot of aboriginal peoples right across this country.

But what happened is that the leader of the federal NDP pulled the plug on that government, got a right-wing government elected, and that is gone now. So we have the same government that also has a \$13-billion surplus and has now put that in the bank, and we can't spend it on all the social needs of Canadians, especially the indigenous people of this country. That's a shame, and that's your fault. So you pick up the phone and call Jack Layton.

ONTARIO PUBLIC SERVICE

**Mr. Ernie Hardeman (Oxford):** My question is to the Minister of Municipal Affairs and Housing. We've



just heard some pretty strong suggestions that ministry resources might be being used to further the partisan activity of the federal Liberal Party of Canada.

Minister, can you tell us what you would do if any staff in your ministry were found to be using their taxpayer-funded resources for these purposes?

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing):** I'll wait for the supplementary. I don't know what your question is.

**The Speaker (Hon. Michael A. Brown):** Supplementary?

**Mr. Hardeman:** I would kind of wonder why he wouldn't know what the question was, but in fact, the question was: What would he do if his staff were using the taxpayer-funded resources in his office to further the cause of the partisan activities of the federal Liberal Party of Canada?

There is a name—and it's Utilia Amaral, senior adviser to the Minister of Municipal Affairs and Housing—that is listed and posted by the Liberal Party of Canada, with that e-mail address that they should call to contact her.

Can you explain, Minister, what you are going to do about this and why you didn't know what the first question was: What would you do if someone were found using, for partisan purposes of the federal Liberal Party, your resources in your ministry?

**Hon. Mr. Gerretsen:** As the member well knows, the first question was a hypothetical question. Secondly, whatever our staff people do on their own time, on week-ends or on evenings, is entirely up to them. They're part of this province. They're entitled to do whatever work they want to at that point in time. I would strongly suggest that the member opposite feels exactly the same way about it. What our staff people do on their own free time is entirely up to them.

#### MINIMUM WAGE

**Ms. Cheri DiNovo (Parkdale-High Park):** My question is to the Deputy Premier. Thousands of hard-working Ontarians, mostly women, are living in poverty because your minimum wage is utterly inadequate. Yesterday, the Minister of Labour claimed the Toronto Star endorsed your government's record of inaction. Here's what today's Toronto Star actually says: The minimum wage that the Liberal government is proposing "will still leave Ontario's most vulnerable workers 10% worse off than they were more than a decade ago." They say it's time to "provide Ontario's lowest-paid workers with some real protection against poverty in the form of a \$10-an-hour minimum wage."

Are you willing, sir, to admit you were wrong, and reconsider your opposition to a \$10-an-hour minimum wage?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** To the Minister of Finance.

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I appreciate my

colleague's question. I don't think there's any doubt that she and all the members of this House, whether on that side of the aisle or on this side of the aisle, have an abiding concern with those in our society who are of lesser means, the working poor, and the burden of those who are without work and receiving assistance from the government. I hope she's not trying to occupy that territory exclusively.

In the initiatives that we've taken, what our government has said is that we are building a stronger economy so that the lifestyle of all Ontarians can be raised. On the issue of the minimum wage, we're very proud of the fact that over the course of our mandate, after years of not changing the minimum wage, this government has raised it each and every year of its mandate.

**Ms. DiNovo:** So, in fact, a non-answer.

In Toronto, a single mother with two kids has to work 92 hours a week to lift her family out of poverty on your minimum wage. It's no surprise that women are working two jobs and still don't have enough to feed their children. Several G8 jurisdictions have already raised their minimum wage. We're looking at France and Britain, where it's over \$11 an hour.

I ask you, are you telling working families that they don't deserve to be paid a living wage for their labour? We're talking about 1.2% of our workers.

**Hon. Mr. Sorbara:** I guess one of the things I'm telling the people of Ontario is that, if they were to check the NDP platform presented to this province three years ago, they would see, on page 48, that your party was advocating increasing the minimum wage to \$8 an hour. The truth is that our government has actually done that. Is that all that needs to be done? Absolutely not. The people we're fighting for are the working poor of this province; the people we're fighting for are those who are displaced in this province. She will see that as we prepare our program in the final year of this mandate.

**The Speaker (Hon. Michael A. Brown):** New question?

**Mr. Vic Dhillon (Brampton West-Mississauga):** My question's to the Minister of Citizenship and Immigration. I stand today because I'm outraged by some of the recent remarks by a John Tory candidate who wants to run in my riding of Brampton West. He calls himself a long-time Conservative who's actively engaged at all levels. Jim Schembri talks about the demographics of my riding and says that you have to be born in Ontario to be a good, effective representative.

I have no doubt the people in my riding would agree with me. I don't know why any member with integrity would allow themselves to be aligned with someone of such low character. John Tory has failed to distance himself from this candidate's remarks.

1500

Diversity makes us richer. Minister, please tell me why it's critical that elected officials, especially leaders, must set a better example. There's no room for racism in Ontario.

**The Speaker:** I'm sorry, the question was to whom?



**Mr. Dhillon:** The Minister of Citizenship and Immigration.

**The Speaker:** I have trouble determining how this falls within that minister's responsibilities the way it's been put.

New question?

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** On a point of order, Mr. Speaker: A question on racism was put to the Minister of Citizenship. I think it would be legitimate for the Minister of Citizenship to answer a question on racism.

**The Speaker:** I have ruled.

The member for Erie–Lincoln.

#### ONTARIO PUBLIC SERVICE

**Mr. Tim Hudak (Erie–Lincoln):** A question to the Deputy Premier: Your defence of the apparent use of government e-mails and government phone numbers seems to be—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order.

The member for Erie–Lincoln.

**Mr. Hudak:** Your defence of the use of government ministers' offices' e-mails and phone numbers by the Liberal Party of Canada for a leadership race seems to be that what members of your offices do in their spare time is beyond the control of ministers. I would say to the minister, surely, if they're using government phone numbers in ministers' offices and the Premier's office and government e-mails in the Premier's office and ministers' offices, that is use of government resources and they're in the office on government time. So please tell me, Deputy Premier, are you going to investigate this matter, or is your title as Deputy Premier simply ceremonial?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** Well, yes, largely. I was waiting for all of the other perks that went alongside of it, but apparently, the principle one is that I get the opportunity to engage with the honourable member from Niagara.

What we see is a demonstration by that party today that they've come to the conclusion that a list, developed by someone else, that captures e-mail addresses or perhaps phone numbers is "proof positive," to quote the Leader of the Opposition, of some nefarious plot that he's conjured up in his head. I've got a big job and I'm proud to do it, but I can't handle all that side of it.

I think the point has been made well by now. We expect people to work awfully hard for the people of Ontario. I can tell you, if you'd come across my way and look down the hallway at the people who work in the Ministry of Health, they are providing a degree of work on behalf of the people of the province of Ontario that is exemplary. I'm proud of them and I'm very, very happy to support them in their private hours if they wish to be involved in partisan activities. That is wholly appropriate.

**Mr. Hudak:** Obviously, if ministers' offices' e-mails and phone numbers are being listed by the Liberal Party of Canada as part of the leadership race, then surely the first thing the minister would do is not to go into this denial mode, but to get back and investigate whether they've been using their e-mails or their phone numbers for Liberal Party partisan purposes. I appreciate that maybe there's a conflict of interest in endorsing Bob Rae for the leadership; maybe that's a motivation. But Minister, one would think that the first call of duty would be to investigate whether the minister's office phone numbers and e-mails have been used for Liberal Party of Canada political purposes. How many phone calls and e-mails were made from the government's offices?

**Hon. Mr. Smitherman:** The honourable member asks questions which all stem from his imagination. It's interesting that they're prepared to tally three, four goes at a question like this, with no merit attached to it except for their proof that a phone number was on a list. My phone number is very publicly available: It's 416-327-4300. People can call, and people can actually choose to put that phone number on a list that they develop. It happens very regularly.

But what's interesting is that this honourable member won't stand in his place and talk about the divisive politics that are being involved in the name of a candidate who stands proudly alongside John Tory, someone who wishes to divide up Ontario on the basis of how long you've been here and what religion you are. This honourable member feigns to ask an important, principled question about how a phone number got on a list. That's interesting, Mr. Speaker.

#### PROPERTY TAXATION

**Mr. Michael Prue (Beaches–East York):** My question is to the Minister of Finance. In the fall of 2003, your government instructed MPAC to assess trailers on private campgrounds as land. This resulted in a 400% increase in property taxes to campground owners who, in turn, were forced to pass this on to trailer tenants.

In a landmark decision, the Superior Court of Justice has ruled that assessing trailers as land is unlawful and has ordered municipalities to reimburse campground owners throughout the province.

Minister, will you stand up in this Legislature today and assure municipalities that you will take full responsibility for the multi-million dollar mistake made by you and your government?

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I always enjoy the characterization of questions from my friend from Beaches–East York. If he had had longer, he probably would have put before you the fact that the question of taxation of trailers and trailer parks has been before the province of Ontario since, I think, Bill Davis was the Premier of this province, certainly during all the time that his party was in government and during the time the Conservatives were in government.



When we took office, the matter was before a tribunal, the Assessment Review Board, and since that time before Superior Court. The court's decision has now been rendered. I know that the assessment corporation and the government have welcomed the decision, because we now have some finality to the issue.

**Mr. Prue:** I'm happy for the finality too, but the question is for the municipalities who are now stuck with paying back a lot of money that they should not and ought not to be paying back. You made the mistake, not them. You had the order, not them. The courts have declared that your ministry's directive is illegal and have ordered the municipalities, in turn, to pay it back.

So my question is a simple one: Will you stand up in this Legislature today and assure those municipalities that they will be reimbursed for the multi-million dollar mistake that was made in part—in part—by you and your government?

**Hon. Mr. Sorbara:** I'm not sure how I could be clearer on the issue. The matter was decided by the courts. These matters of the liability for property tax are the subject of court decisions and tribunal decisions every month of the year. As this matter has recently been decided, and it is subject to appeal, and though a decision about appeal has been made, I really wouldn't want to comment further on it other than to say, again, that the question of the taxation of trailers and trailer parks has been before the province for 15 years. We finally have a court decision and we'll see the implications of that court decision over the next few months.

#### WATER QUALITY

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** My question is for the Minister of the Environment. Yesterday, we on this side of the House stood up and voted in favour of clean water. Minister, I was shocked and disappointed to see members of the Conservative and NDP caucuses sitting on their hands and not voting for clean water. I watched the members of the NDP during the vote for clean water yesterday and noticed that they did not act in favour of something they had promised five years ago by promising to introduce legislation to protect clean water.

I know that our government also intends to implement all of Commissioner O'Connor's recommendations following the Walkerton inquiry. A vote against this act is a vote against the inquiry, because this act will implement 12 of those recommendations. Minister, can you assure us that the Clean Water Act will make a difference in preventing future disasters like the one in Walkerton, where we lost seven lives?

1510

**Hon. Laurel C. Broten (Minister of the Environment):** Let me tell you what some groups have said about the passing of the Clean Water Act.

The Sierra Legal Defence Fund, which last week gave Ontario the top mark in Canada, an A-, for our regulations on drinking water said that by passing the Clean

Water Act, "Ontario has moved from the top of the class to a class by themselves."

Dick Hibma, chair of Conservation Ontario, said, "The Clean Water Act is essential to protection of Ontario's drinking water sources. With the act in place, conservation authorities, municipalities, landowners and other stakeholders will work together to ensure municipal sources of drinking water are properly protected."

I too was disappointed in the members opposite for voting against clean water, for voting against 12 recommendations made by Justice O'Connor, and for voting against defending and protecting water resources for future generations. I guess the members opposite don't care about ensuring that future generations have clean, safe water to drink.

**Mr. Lou Rinaldi (Northumberland):** Minister, I'm as shocked as you and the rest of the caucus about the members opposite voting against clean water.

You recently announced an amendment to the Clean Water Act which will invest \$7 million into rural communities to assist farmers and small rural businesses in activities to reduce threats to drinking water.

My riding is comprised of a great number of farmers and rural businesses. Inaccurate information about the Clean Water Act is being spread by Mr. Randy Hillier of the Lanark Landowners Association. Mr. Hillier's words and actions are a disservice to all of rural Ontario, yet several members of the Conservative Party are fond of perpetuating Mr. Hillier's myths.

Minister, please help me remind the Conservative Party how we are on the side of rural Ontarians. How is this money going to be delivered, and what is the allocation formula that will make sure the dollars arrive where they are most needed?

**Hon. Ms. Broten:** Throughout the numerous and extensive consultations—and I know some of those consultations were held in your community with the Premier, when he said, "We are listening to rural Ontario"—we have said we will be a partner in the implementation of the Clean Water Act, and we will make available \$7 million to help rural Ontarians offset the cost to implement the measures proposed by early source protection plans.

That's why we've received support from folks like Ron Bonnett, president of the OFA. He says, "This ... financial assistance goes a long way toward addressing the concerns of the farming community. The government is clearly listening to the concerns of rural Ontario."

In order to ensure that the \$7 million is implemented using a mechanism that is fair, I have established an advisory panel made up of farm representatives, including Mr. Bonnett. The funding is only the first stage of our commitment to help rural Ontario, because the source protection plans will be developed over the next three to five years, and we'll be in a better position to continue our partnership with rural Ontario and folks right across this province.



## MINISTRY OF TRANSPORTATION OFFICE

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** To the Minister of Transportation: Minister, your government promised many things to the tobacco community down in Delhi during the last election. Members of your caucus said they understand the plight of small rural areas like Delhi and promised that the economic hardships faced by such communities would be a priority for this government.

The people of Delhi want to know why they are now victims of show-and-sham politics. After months of tendering, your ministry decided not to go forward with an MTO office. Minister, what have you done with Delhi's MTO licence renewal bureau?

**Hon. Donna H. Cansfield (Minister of Transportation):** I will have to get more information from you, because I actually don't have the answer around that particular office. I can tell you that we've been looking at all of the offices across the province in terms of the delivery of service and working with them. As you recall, over the last eight years, the private networks have not had any increases. We've been looking at how we can deal with the very small ones because they don't have sufficient numbers that come through. We've had some requests where we thought maybe what we could do is have someone come into an area for a day as opposed to opening up an entire office. We've been looking at how we can improve delivery. And we have been working with Service Ontario, as that provision goes over to Service Ontario.

I would be prepared to sit down and speak directly with the member on this particular issue and work with him to find a resolution.

**Mr. Barrett:** Thank you, Minister, and it is confusing. People in the area find it confusing. It's frustrating. They also find they're waiting in line for hours in other towns that have an MTO office.

It's also appalling, the fact that your ministry ran ads asking people in the area to apply for the request for proposal. Several people in the Delhi area spent \$53 on the application fee, \$15 for the MERX fee, only to be told now that you're against reopening this MTO office. Minister, at minimum, and once we sort through this confusion, will you ensure that the people of the Delhi area who tendered for this office at least get their 68 bucks back?

**Hon. Mrs. Cansfield:** As I say to the member, I'd be more than happy to sit down with you and work through a resolution on this particular issue, and if you will wait till after the House rises, we'll have an opportunity to discuss it.

## NORTHERN ONTARIO

**Mr. Gilles Bisson (Timmins–James Bay):** My question is to the Minister of Northern Development and Mines. Last year in February, both here and in Sault Ste. Marie, you announced with great fanfare a wind turbine

project in the community of Sault Ste. Marie. That project was supposed to be under construction last winter and this spring. Nothing has happened to date. Now we find out there are hitches within the project in regard to one particular partner pulling out because of some issues within their own company. We've seen lots of announcements by this government. We've seen the government stand and say they're going to create jobs in northern Ontario. Am I to believe that this project is still to go ahead, or is it going to be one of those other announcements where we see lots of fanfare but little on delivery?

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** This government is very proud of the number of jobs it's created in northern Ontario, with the great involvement of the people of northern Ontario. We are very proud that we announced an engagement process that has been second to none, that is second to none, by any other government's involvement in northern Ontario. We're also very proud that we will continue to work with communities across northern Ontario—every minister, every ministry, in every way—to ensure we maximize the potential of northern Ontario.

This government is working with northerners in a very real way. We're engaging northerners in northern development councils. You shut down those councils. You stopped listening to northerners. We engaged northerners in a very profound, active way. We will continue to do that to maximize opportunities.

**Mr. Bisson:** I'm shocked. Listen, Minister, the record is not one to be proud of. We could rhyme off municipality after municipality in northern Ontario that has seen thousands of jobs lost, and this government has done nothing to respond. Your policies on electricity, wood fibre and others have led to thousands of job losses in northern Ontario. Finally, we think we're going to get some good news for the community of Sault Ste. Marie and we find out, yet again, we're back where we started from, where the government makes announcements but is small on delivery.

My question to you is very simple: Will the community of Sault Ste. Marie see this project to fruition or is this just yet another announcement?

**Hon. Mr. Bartolucci:** I find it passing strange that this question would come from that individual, who represents a party that cut \$141 million out of the Ministry of Northern Development and Mines. It is the same passing strange comment I have that this question would come from that individual, who represented a government that lost a thousand jobs a week, every week of their mandate, from 1990 to 1995.

To make it quite simple for the member across the way, we will continue to work with northerners, we will continue to work with industry, and we will continue to work with governments in northern Ontario, to ensure that we don't have the dismal record of the former Minister of Northern Development and Mines—

*Interjection.*

**Hon. Mr. Bartolucci:** —who is heckling over there, who has a record that she has to be ashamed of. We're proud of what we're doing.



1520

### AUTISM TREATMENT

**Mr. Khalil Ramal (London–Fanshawe):** My question is for the Minister of Children and Youth Services. Parents in my riding of London–Fanshawe often ask me how the McGuinty government is supporting children with autism. According to the Geneva Centre for Autism, “Autism spectrum disorders are lifelong neurodevelopmental disorders that affect how people communicate and relate to others. The range and intensity of disability varies, but all people affected by ASD have difficulty with communication, learning and social skills.”

Parents of autistic children in my riding are particularly concerned that their three-, four- and five-year-olds will have their services cut off when they turn six. Minister, I know that under the previous government, children receiving autism support were shut out of assistance—

**The Speaker (Hon. Michael A. Brown):** The question has been asked.

**Hon. Mary Anne V. Chambers (Minister of Children and Youth Services):** I want to thank the member from London–Fanshawe, who speaks to me from time to time. I must say he’s been a very strong advocate for families in his community, as have been several other members of my caucus.

I want to assure parents that children are not being discharged from IBI services on the basis of age. Since July 2005, we have issued policy, and policy has been implemented, whereby children are not discharged on the basis of age. In fact, all children are being assessed in a consistent manner to ensure that we provide them with the services that are appropriate to their level of development as they grow and learn.

**Mr. Ramal:** That news will be reassuring to parents confused by statements by the opposition. Parents of children with autism face enough pressures on a daily basis without having to deal with the added strain caused by inaccurate statements by the opposition.

Minister, I know how hard you have worked to ensure the best outcome for all children in Ontario living with autism. It has not been easy, given the missed opportunities and disappointments of the previous NDP and Conservative governments. For example, the first major study of IBI as a treatment for children with autism was in the late 1980s, but the NDP did not offer the treatment when they were in government, and no children received IBI therapy. The Harris-Eves government was hardly better. Today, we are investing \$112 million, more than double the amount under the former government.

Removing the age six cut-off implemented by the previous government is only one part of our strategy. While there is more work to be done—

**The Speaker:** Thank you. The question has been asked.

**Hon. Mrs. Chambers:** There is a lot to be done, and we are working really hard on this file.

As I said before, kids are not being cut off from IBI services at the age of six; in fact, about 60% of the kids receiving IBI right now are age six or older. That has also made us realize that we have to expand the services that are provided to kids. We are training workers in the child care sector; we are training teachers’ assistants in schools. We have in fact created a new college-level program, and we had about 92 graduates from that program this spring, the first year of program. These are behavioural analysts, who will be able to work with kids with autism.

The training that we are providing to child care workers and teachers’ assistants is ABA-type training, which will also enable kids to get the support they need to be successful in their lives.

### WATER QUALITY

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** My question is for the Minister of the Environment. Recently, it became known that the agency under your government, Ontario Lottery and Gaming, spent at least \$6 million in a rebranding exercise to drop the “C” in its acronym. The Minister of Public Infrastructure Renewal, when questioned, said he felt that this was a good, reasonable amount to be spent and a good investment.

Minister, when it comes to the issue of source water protection in Ontario, you felt a \$7-million public relation exercise would cover up the fact that this is a massive download onto the backs of rural Ontario municipalities and property owners. Minister, do you think the rebranding of the OLG is more important than helping municipalities deal with your source water protection act that passed yesterday?

**Hon. Laurel C. Broten (Minister of the Environment):** Let me tell the member opposite that we are a government who has delivered on safe, clean drinking water. We have delivered, to date, some \$127 million—\$120 million delivered across the province to undertake the largest scientific exercise ever, for the first time to analyze how much water we have, how safe it is to drink, to speak to 12 of Justice O’Connor’s recommendations.

We remember Walkerton, we remember what transpired in the year 2000, and we will not go back. We have received an “A” mark from the Sierra Legal Defence Fund. We are sitting at the top of the class in the world to ensure that we have safe, clean drinking water. The Clean Water Act is going to keep it that way. The \$7 million is a down payment on implementation, and we are moving forward in this province, away from the legacy that you left of Walkerton.

**Ms. Scott:** Minister, it’s pretty clear to Ontarians that your government feels it’s more important to waste money on self-promotion than to put it to good use, such as helping rural Ontario municipalities and landowners on the implementation of source water protection. Bill 43 is all about being a download to municipalities, legal and financial.

Based on the regulations that are to come some time later, this legislation and the regulations are going to



drive farmers and small business people out of rural Ontario. Justice O'Connor's recommendations, which you keep saying you're implementing, say that source water protection should be a provincial responsibility, yet you brought this legislation in to download it onto municipalities and to property owners. Minister, why don't you show some support for rural Ontario today and say that you will provide sustainable and long-term funding for the costs of Bill 43, the Clean Water Act?

**Hon. Ms. Broten:** My friends on the opposite side of the House should be ashamed of voting against the Clean Water Act and turning their backs on Ontarians. On that side of the House, you stand alone against the Clean Water Act. On our side of the House, we stand side by side with Conservation Ontario, the Ontario Medical Association, the Concerned Walkerton Citizens, Environmental Defence, the Ontario Municipal Water Association, the Ontario Water Works Association, the Ontario Farm Environmental Coalition, and the list goes on. I'm getting exhausted going through this list of who stands with us. The OFA, AMO, those groups who deliver clean, safe drinking water and who are the water experts in our province stand with us, delivering clean, safe drinking water to the people of Ontario. You have turned your backs on the people of Ontario. You should be ashamed.

**The Speaker (Hon. Michael A. Brown):** New question

**Mr. Gilles Bisson (Timmins-James Bay):** My question is to the Minister of the Environment. Minister, you said, in creating the Clean Water Act, Bill 43, that all citizens have a fundamental right to clean drinking water. My question is a simple one: Do you believe that First Nations people are citizens of this province, and if so, why are they not enjoying that fundamental right?

**Hon. Ms. Broten:** The roles and responsibilities of the various levels of government with respect to the responsibilities we have to the citizens across this country are established. It might suit your current plan to play politics with the Clean Water Act, but I can tell you that our government stands side by side with communities across this province. Those First Nation communities who choose to participate in the process are available for us. The expertise in our province, the chief drinking water inspector, the Walkerton Clean Water Centre: Those resources are regularly made available to communities across this province. We are meeting the recommendations that Justice O'Connor has made to fulfill our obligations, and you too should be ashamed of voting against the Clean Water Act.

1530

## PETITIONS

### PROPERTY RIGHTS

**Mr. Jim Wilson (Simcoe-Grey):** To the Legislative Assembly of Ontario:

"Whereas the Canadian Charter of Rights and Freedoms is silent on property rights; and

"Whereas the Alberta Bill of Rights specifically protects the right to the enjoyment of property; and

"Whereas the Quebec Charter of Human Rights and Freedoms provides that 'Every person has a right to the peaceful enjoyment and free disposition of his property, except to the extent provided by law'; and

"Whereas ownership rights should not be abridged or usurped without due process of law; and

"Whereas owners of all lands affected by expropriation should have the right to be included as parties to a required inquiry to consider the merits of the objectives of the expropriating authority; and

"Whereas the decision of an expropriating authority should be subject to judicial review; and

"Whereas, subject to specific limitations of law, the right to peaceful enjoyment of one's land must be recognized by Ontario law;

"We, the undersigned, petition to the Legislative Assembly of Ontario as follows:

"To pass Bill 57, the Land Rights and Responsibilities Act, 2006."

I've signed this petition, and I voted in favour of that law this morning.

### PENSION PLANS

**Ms. Andrea Horwath (Hamilton East):** This petition is to the Legislative Assembly of Ontario. It reads:

"Whereas seniors of Ontario request full access and control of their locked-in pension funds at age 55, without the current restriction imposed by government regulation;

"Whereas the current government regulation restricts what seniors and pensioners are able to do with their own savings and limits their options for an affordable and comfortable retirement;

"We, the undersigned, petition the Legislature of Ontario as follows:

"That the Ontario Pension Benefits Act be amended to give seniors of Ontario the option to transfer their locked-in pension funds (LIRA, LIF, LRIF) into an RRSP at the age of 55, as is the case for seniors in the province of Saskatchewan."

I've signed this petition and send it down to the table by way of page Paul.

### FAIR ACCESS TO PROFESSIONS

**Mr. Khalil Ramal (London-Fanshawe):** To the Legislative Assembly of Ontario:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and



"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

I agree with this petition and have signed my name to it. I give it to Annaliese.

### WATER QUALITY

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** "Amend the Clean Water Act

"To the Legislative Assembly of Ontario:

"Whereas every Ontarian wants the best water quality possible; and

"Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

"Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

"Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

"Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

"Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place."

I'd like to pass this off to my page, Bryce Robson, from Millbrook school.

### FAIR ACCESS TO PROFESSIONS

**Mr. Kuldip Kular (Bramalea–Gore–Malton–Springdale):** This petition is in support of skilled immigrants. It is to the Legislative Assembly of Ontario.

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner, and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

I agree with the petitioners, so I put my signature on it as well.

### SCHOOL FACILITIES

**Mr. Jim Wilson (Simcoe–Grey):** "To the Legislative Assembly of Ontario:

"Whereas the parents of St. Paul's elementary school in Alliston have raised many issues regarding the security, cleanliness and state of repair of their school; and

"Whereas a 2003 condition assessment completed by the Ontario government identified the need for \$1.8 million in repairs to St. Paul's elementary school; and

"Whereas the Simcoe Muskoka Catholic District School Board has approached the Ministry of Education with the intention of having the school deemed prohibitive to repair as they believe the school requires \$2.28 million in repairs, or 84% of the school replacement cost; and

"Whereas there are ongoing concerns with air quality, heating and ventilation, electrical, plumbing, lack of air conditioning and the overall structure of the building, including cracks from floor to ceiling, to name a few;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Education immediately deem St. Paul's elementary school prohibitive to repair, secure immediate funding and begin construction of a new facility so that the children of St. Paul's can be educated in a facility that is secure and offers them the respect and dignity that they deserve."

As I've said in this House before, I attended this school from kindergarten to grade 8. My mother taught there for 33 years. I certainly agree with the petition.

### FAIR ACCESS TO PROFESSIONS

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** I have a petition in support of skilled immigrants, Bill 124.

"To the Legislative Assembly of Ontario:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

I agree with this petition and apply my signature.

### HIGHWAY 26

**Mr. Jim Wilson (Simcoe-Grey):** "To the Legislative Assembly of Ontario:

"Whereas the redevelopment of Highway 26 was approved by MPP Jim Wilson and the previous PC government in 1999; and

"Whereas a number of horrific fatalities and accidents have occurred on the old stretch of Highway 26; and

"Whereas the redevelopment of Highway 26 is critical to economic development and job creation in Simcoe-Grey;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Liberal government stop the delay of the Highway 26 redevelopment and act immediately to ensure that the project is finished on schedule, to improve safety for area residents and provide economic development opportunities and job creation in Simcoe-Grey."

I agree with this petition.

1540

### FAIR ACCESS TO PROFESSIONS

**The Acting Speaker (Mr. Joseph N. Tascona):** The Chair recognizes the member from Northumberland.

**Mr. Lou Rinaldi (Northumberland):** Speaker, first of all, it was a pleasure last week to visit your riding and bring in some money to Barrie.

I have a petition in support of skilled immigrants, Bill 124.

"To the Legislative Assembly of Ontario:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

I sign my signature, and I will get Julia to deliver it.

### FREDERICK BANTING HOMESTEAD

**Mr. Jim Wilson (Simcoe-Grey):** "To the Legislative Assembly of Ontario:

"Whereas Sir Frederick Banting was the man who discovered insulin and was Canada's first Nobel Prize recipient; and

"Whereas this great Canadian's original homestead, located in the town of New Tecumseth, is deteriorating and in danger of destruction because of the inaction of the Ontario Historical Society; and

"Whereas the town of New Tecumseth has been unsuccessful in reaching an agreement with the Ontario Historical Society to use part of the land to educate the public about the historical significance of the work of Sir Frederick Banting;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Culture endorse Simcoe-Grey MPP Jim Wilson's private member's bill entitled the Frederick Banting Homestead Preservation Act so that the homestead is kept in good repair and preserved for generations to come."

I've signed that petition, but I am hopeful that a deal currently on the table will be accepted by the Ontario Historical Society.

### SERVICES FOR THE DEVELOPMENTALLY DISABLED

**Mr. Jim Wilson (Simcoe-Grey):** I get sent a lot of petitions, and I'm quite grateful for them.

"To the Legislative Assembly of Ontario:

"Whereas, without appropriate support, people who have an intellectual disability are often unable to participate effectively in community life and are deprived of the benefits of society enjoyed by other citizens; and

"Whereas quality supports are dependent on the ability to attract and retain qualified workers; and

"Whereas the salaries of workers who provide community-based supports and services are up to 25% less than salaries paid to those doing the same work in government-operated services and other sectors;

"We, the undersigned, petition the Legislative Assembly of Ontario to address, as a priority, funding to



community agencies in the developmental services sector to address critical underfunding of staff salaries and ensure that people who have an intellectual disability continue to receive quality supports and services that they require in order to live meaningful lives within their community.”

I agree with this petition and have signed it.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** I have a petition in support of skilled immigrants.

“To the Legislative Assembly of Ontario:

“Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

“Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

“Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

“Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

“We, the undersigned, respectfully petition the”  
Legislative Assembly “of Ontario as follows:

“That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature.”

It’s appropriate that this be here today, as we’ll be debating this matter shortly. I’ll pass this on to page Chad for delivery.

#### BUSINESS OF THE HOUSE

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** On a point of order, Mr. Speaker—I guess it’s a point of order, because it’s next week’s business. Pursuant to standing order 55, I rise to give the Legislature the business of the House for next week.

Monday, October 23: in the afternoon, second reading of Bill 140, the Long-Term Care Homes Act; in the evening, second reading of Bill 103, the Independent Police Review Act.

Tuesday, October 24: in the afternoon, third reading of Bill 65, the Mortgage Brokerages, Lenders and Administrators Act.

Wednesday afternoon: second reading of Bill 69, the Regulatory Modernization Act. In the evening on Wednesday will be second reading of Bill 28, the Mandatory Blood Testing Act.

On Thursday afternoon, second reading of Bill 140, Long-Term Care Homes Act.

#### ORDERS OF THE DAY

##### TRADITIONAL CHINESE MEDICINE ACT, 2006

##### LOI DE 2006 SUR LES PRATICIENNES ET PRATICIENS EN MÉDECINE TRADITIONNELLE CHINOISE

Resuming the debate adjourned on October 11, 2006, on the motion for second reading of Bill 50, An Act respecting the regulation of the profession of traditional Chinese medicine, and making complementary amendments to certain Acts / *Projet de loi 50, Loi concernant la réglementation de la profession de praticienne ou de praticien en médecine traditionnelle chinoise et apportant des modifications complémentaires à certaines lois.*

**The Acting Speaker (Mr. Joseph N. Tascona):**  
Further debate?

**Mr. Frank Klees (Oak Ridges):** I’m pleased to rise to join in debate on Bill 50. This is a subject matter that has been before this House on a number of occasions in the form of private members’ bills. I recall speaking to the issue. I believe the last time a private member’s bill was before the House was October 29, 1998, quite a while ago. In my discussion on that legislation at that time, I indicated, as I will do now, that I certainly support the intent of this bill in principle. I really would fail to see how anyone in this Legislature could not or would not support the need to regulate a profession that is in fact practising in the province today.

I have some concerns. I have expressed this to stakeholders with whom I have had discussions relating to this bill, stakeholders who are strongly in favour of the bill, individuals such as my friend Professor Cedric Cheung, who is with the Chinese Medicine and Acupuncture Association of Canada. He, of course, is a strong proponent, as are many individuals who are associated with him and a number of professional organizations that have been involved in the development of this bill, as led by the former member for Markham, Mr. Tony Wong.

I have also met and had some extensive discussions with individuals who, frankly, are opposed to the bill in its current form. I have a list here of a number of items that are of very significant concern to individuals practising traditional Chinese medicine and acupuncture. It’s for that reason I don’t pretend—and I don’t believe, really, anyone in this Legislature pretends—to have exhaustive knowledge about traditional Chinese medicine or acupuncture. So my view is that what we should do is move this bill on to public hearings so that we can examine those areas of concern that have been expressed. It will give an opportunity for the profession to come forward, for stakeholders to come forward, set their positions forward, so that we can then, perhaps with considerably more understanding, make a final decision. I would also expect that as a result of that process there would be some amendments tabled to improve the bill. There is no such thing as perfect legislation.



I do have a concern about—and I know, for example, that Professor Cheung would argue that there has already been considerable consultation on this legislation. I know Tony Wong and what the government referred to as the MPP consultation group had a number of meetings and they travelled to different places in the province to have their consultations.

1550

But what did not happen in that process was: No member of the opposition was invited to participate in that consultation group, and that was disappointing. I think, had the government considered extending that invitation, we could have perhaps accelerated this process, with opposition parties feeling that they were a part of this consultation process. But clearly the signal we got, in the way this was handled by the government, was that this was as much a political initiative and was used, frankly, to—I guess the government has the authority to do that, but something that should have been beyond partisan politics, just because of how it was handled, sent a signal that this was a Liberal Party initiative as opposed to a legislative initiative. For that reason, I think it's incumbent that we pull this legislation back into the legislative framework, that we use the time we have left and the procedure that is appropriate for the passing of a bill with the significance that this bill has, and that we move it on to public hearings. When we do so, I think we'll be able to address a number of areas that have been raised in the past.

I support the regulation of this profession because I have had personal experience through my constituents in my riding of Oak Ridges, which takes in Richmond Hill, the northern part of Markham and Whitchurch-Stouffville. Particularly in the Richmond Hill part of my riding, and Markham, we have a very high percentage of Chinese Canadians, so traditional Chinese medicine and acupuncture are very much practised. I have had constituents in my office who have brought to me examples of malpractice in the area of traditional Chinese medicine as well as acupuncture.

Now, having said that, I have also dealt with constituents who have discussed with me the issues of malpractice in traditional North American medicine, so I'm not suggesting that malpractice is something that is just focused in traditional Chinese medicine—not at all. But I am saying that there are people who are experiencing trauma as a result of dealing with people who have the right today to hang out their shingle and make representations of their experience. People are trusting, particularly when it comes to the field of medicine and claims that are made. Particularly individuals in our communities today whose first language is not English and who rely on their culture and on the ability to communicate in their mother tongue with their medical practitioners would, of course, gravitate towards traditional Chinese medicine. But there are far too many examples that I have personally dealt with where it's clear that the training is not there, that the standards are not there.

We have a responsibility, I believe, as legislators to do whatever we can to ensure consumer protection, to ensure that the public is protected against individuals who would misrepresent themselves or who, frankly, are not trained to do what they claim they can do.

When we move forward with this bill—and I am trusting that the government will agree with us that we will have some time in public hearings for this bill—I look forward to participating in that process and also to being part of the discussions relating to some of these concerns. I will be asking the questions that have been put to me to ask by the CSCMA and other organizations that, on an organized basis, have come forward to register their concerns.

Having said that, I believe that most of the points have already been made by my colleagues. I won't repeat those. I simply look forward to receiving confirmation from the government that we will, in fact, see this bill go to committee and then on to third reading from there.

**The Acting Speaker:** Time for questions and comments. Seeing none, further debate? There's no need for response.

**Mr. Peter Tabuns (Toronto–Danforth):** I rise to address the issue of Bill 50, the Traditional Chinese Medicine Act.

Our critic, the member for Nickel Belt, spoke to this issue on September 27. I've had a chance to review her comments and the comments of a number of other members. I agree that over the last few decades this province has been moving in the right direction, expanding the sphere of regulation of medical professions. This all started, really, in the late 1980s under Elinor Caplan, moving things forward. We in the NDP continued it in the early 1990s. We felt then and we feel now that as we understand better the delivery of medical services, as we recognize new therapies or recognize the value of therapies that, as in this case, have very long-standing histories, there is advantage both to the public and to the practitioners to have regulation.

Traditional Chinese medicine and acupuncture are serious medical practices and those who see these practitioners expect that they will be treated in a way that reflects safety standards, that reflects a professional approach; that they will be given care that will look after their health and at no point will endanger them. It's entirely reasonable that the practitioners are subjected to a process that sets standards so that there's a common understanding of what will be delivered when you see a practitioner of traditional Chinese medicine and what will be delivered when you see someone who delivers acupuncture.

By setting those standards, by providing that system of reviewing licences, of regulation, we also show respect for those who provide the services, that we treat them seriously, we treat the medical care that they provide seriously. In this province, Ontarians have a growing interest in alternative therapies. Interestingly, a number of countries have moved to regulate traditional Chinese medicine and acupuncture. Australia already regulates



these practices, the United Kingdom is moving forward with regulation and a number of American states already regulate acupuncture.

In this country, British Columbia has already gone through this whole process of regulation, setting up the college, making sure that there are standards of practice, that there are disciplinary avenues if people need to avail themselves of those.

We believe the inclusion of traditional Chinese medicine and acupuncture in Ontario would be beneficial to our health care system and beneficial to the population as a whole. It's certainly something that reflects the interest and needs of our growing Chinese population. They know that this medical discipline, one that's been in existence for thousands of years, has value. They want it delivered here in the homes they've chosen because they want the full range of medical therapies available to them.

As our critic said, the regulation has to be fair, it has to be safe, it has to be effective and it has to be professionally delivered. There's no question that in the process of determining what is fair, in determining what is safe, we have to work through some very contentious material. There are practitioners of traditional Chinese medicine here in Toronto who would probably have, in some instances, difficulty with English, who have developed their skill over time, not through colleges but in the practice of working alongside those who are familiar with the therapies and actually have extremely good reputations, but who don't have the degrees that would be recognized by most colleges.

1600

This process, then, is one that has been quite thorny, and one that we've been engaged in in this province for quite a while. As I understand it, it really started in 1994 with a letter to Ruth Grier, then health minister, from a Dr. Cheung. And in subsequent years, there were different points at which this whole issue was examined by the province, by different politicians in this Legislature. In 1996, the health professionals regulatory advisory committee advised that acupuncture be regulated. No real action was taken at that time, but that was the next step of consequence in this process. In 2002, Mr. Mike Colle introduced a private member's bill to regulate traditional Chinese medicine and acupuncture, and it didn't go past first reading. But in 2005, carrying on that momentum, the government appointed a consultative committee of MPPs, and they brought forward a series of recommendations calling for a new college to deal with traditional Chinese medicine and acupuncture. They noted that acupuncture should be limited to qualified practitioners, and they recommended setting up a herbalist practitioner class. The first few items were in fact incorporated into the act; the last wasn't.

This issue has been dealt with or worked through for quite a while. There's no question, when I talk to people in my community, that this is contentious. People have very different understandings of what the minimum or maximum standard should be, and they have very

different interests. Those who don't have formal training but who have the skill through years of actual practice in the community, don't want to be caught up in a fog of academic credential provision. That would be—what can I say?—problematic for them.

What we have, then, is a situation where the community wants regulation, but they want a process that will ensure that the outcome is best overall for the public as a whole and for those who are practitioners. That means that in order for this bill to actually be useful in the end, it is going to have to go through a full round of consultation. We can't simply pass through this bill in this chamber and expect that we will have a product that will be useful. We have to have public hearings, and in the course of developing the bill in those hearings, we have to start setting minimum standards. What is in the bill at present does not provide that floor, that base that will be necessary to give the public the assurance they need and also to ensure that the practitioners really do have the background, the training and the depth that's required.

Our critic made some very useful closing comments in her presentation on the 27th, and I just want to go through a few of those because I think she sets out and summarizes our position quite well. She said:

"What I do want to be sure of, as we incorporate traditional Chinese medicine and acupuncture into the health care system, is that we are doing so in a way that protects the public and respects the competencies and the skills of the traditional Chinese medicine community and those who provide acupuncture.

"I want to say again that the most important concern for me is that I do not see in the bill at this time what the minimum standard is that is acceptable for those who are practising acupuncture. As a member of the public, as someone who is concerned about public safety, what is the minimum standard that is going to be in place so that, regardless of whom I obtain acupuncture from, I can be assured, as a member of the public, that they will have succeeded in achieving certain educational standards, certain clinical standards in terms of practice etc.? I do not see that in this bill, and because I don't see that, I really don't see how what Bill 50 proposes is much different from what's currently in place, where anybody can practise acupuncture."

I'll conclude where our critic concluded: There have to be hearings, there has to be a review of the bill by the government and support for amendments that set minimum standards if this bill is going to be effective, if this bill is actually going to have public support, if this bill is actually going to give the practitioners the base for the sort of respect they do in fact deserve.

**The Acting Speaker:** Questions and comments? Further debate?

**Mr. Gilles Bisson (Timmins-James Bay):** I have actually been looking forward to this debate, because I had a very short opportunity the other evening, when we were debating this particular bill in regards to traditional Chinese medicine, to put on the record a few things. I



wanted to make sure that I had proper opportunity to lay out for the record why I think this is a good thing in principle. I don't want to stand here for one second and argue that we should not be trying to regulate and basically define the scope of practice when it comes to traditional Chinese medicine. I think that's a great idea and something that we should be doing. The problem is that where we're going with it may not bring us where we need to be when it comes to that scope of practice. So the first thing I do want to say is—

*Interjection.*

**Mr. Bisson:** Are you trying to hurry me up, my fellow colleague?

**Mr. Rosario Marchese (Trinity-Spadina):** No, no. I was talking to someone else.

**Mr. Bisson:** Okay. Very good. Just checking. I was just wondering what you wanted.

Anyway, as I was saying, when I got so rudely distracted by my own colleague over here—

**Mr. Marchese:** You go right ahead. Don't be distracted.

**Mr. Bisson:** Thank you very much, Mr. Marchese. I just want to say that sometimes there are moments in this House that are kind of humorous and nobody else gets it. This is one of those moments.

I just want to say that we're in favour of where we want to go. The difficulty, however, is that we're not going to get there.

What I said the other night in debate, and what I want to repeat again today, is that I was surprised at the degree of interest in this particular issue within my constituency. I would not expect, being a member from Timmins-James Bay, with the communities of Timmins, Kapuskasing and Hearst, that you would have a lot of interest when it comes to the issue of traditional Chinese medicine. I know that in the cities of Timmins, Kapuskasing and Hearst, to a degree, there has been a buildup of people who are basically seeing that as an alternative to the traditional treatments we've had within North American medicine. I know, in speaking to many constituents, that people go to places like the House of Wellness and others in the city of Timmins in order to seek out those alternative methods of treating disease and making people feel better overall in their physical condition. I know that that is the case, but I was still surprised at the degree to which I got calls on this. I had to say to myself something that my good friend Mr. Marchese always says and reminds me of when it comes to passing legislation, that there's a little test we should pass: Who's mad, who's glad and who's sad. I think Mr. Marchese is so right when he says that, because this legislation doesn't stand up to that very simple test.

To the issue of who's mad: The current practitioners are mad. The people whom we're trying to basically do the right thing for, as far as defining a scope of practice so that we make sure those who are practising within that field are properly qualified, are the very people who are unhappy with this legislation, for the most part. There are some, I would argue, who are probably happy, but those

are the ones who have not taken the full training that's necessary to properly understand how to deal with some of those traditional Chinese medicine practices.

I give you the example of acupuncture. I was talking, I believe, to Fred Wong—I may have to correct the record, but I think one of the fellows I talked to was Fred Wong, along with others who had called me. I'm not sure it was Fred, now that I really think about it. But anyway, the point is this: He was saying that what happens for people like him and others is that they've had to undergo a fair amount of training, first of all, to get to the point to be able to say that they're going to give this treatment. They've undergone—

**Mr. Marchese:** Years and years.

**Mr. Bisson:** —years and years of training, as my friend would say, to get to the point of being able to say, "I am a licensed practitioner. I'm somebody who knows what I'm doing. You can have confidence that the services I perform are going to be done within the scope of practice that is determined by the training that I've received."

I actually was here at the Legislature this week—I think it was with the dental hygienists. Somebody raised with me that some people who are practising acupuncture have very little training. They've got as little as a couple of months and basically are performing acupuncture on people without knowing, really, what they're doing. I think that's a great distress. I think people need to know when they go see a traditional Chinese medicine practitioner that the person who calls themselves that—he or she—actually is licensed and knows what they are doing.

1610

One of the cases that was related to me was that one particular chiropractor, in this case, was giving acupuncture through people's clothes. We all know that is a no-no when it comes to how you deal with inserting needles into people's bodies. You can pick up all kinds of infection. Who knows what's on the clothes as you pass it through. The person saw that as being perfectly okay. I just shook my head when I heard it at this particular reception. I said, "Are you sure?" He says, "Yes. I know because I'm in the same office and I see it done." I thought, "Wow, that's something else."

The point and the problem with this legislation is that in the scope of practice we're leaving it up to the individual colleges to decide what amount of training is that somebody should get to be able to call themselves a practitioner of Chinese medicine. So for example, if the College of Chiropractors decide that they want to make that part of their practice, they can determine themselves what the standard is going to be when it comes to being able to put up the shingle to say that you're qualified for acupuncture. We know that that may end up being a much lower standard than another organization that's listed in this legislation. You're going to end up with a hodgepodge. You've got about 16 or 20 different professions that are governed by this act that are going to be able to deal with Chinese medicine. Each of those colleges is going to basically establish what the level of



training has got to be to be able to practise, and it would be a hodgepodge of everything. So you may have the dental hygienist and the chiropractor having standards that are somewhat similar, somebody who's lower, somebody who's higher. How am I going to know, as the general public, how to deal with that? That's the question of who's sad. I think, in the end, the public are the ones who are going to be sad.

**Mr. Marchese:** Maybe mad.

**Mr. Bisson:** Well, they might be mad too.

But then at the end, in the final test of who is glad about this, I'm not too sure a lot of people are. I think, yes, I support the concept. I think, yes, we should pass legislation that does what we're trying to do, because we do need to regulate this particular profession. For those like Fred Wong and others who are in the practice, who have done the training, who are qualified, who know what they're doing and they can put the shingle up outside the door because they've had the proper training, you need to validate those people's experiences and to say that these people are qualified and we need to be able to allow them to practise and give some assurance to the public. But for those who are not, I think it's a sad test.

So I just want to put on the record that I will be voting against this legislation for the very simple reason that I believe we need to send this off and we need to make sure that it's done properly and that we include everybody within this particular legislation. With that, I would say, Dr. Wong—I'm just looking at this here. I don't have my glasses, unfortunately; that's why I couldn't read it. Yes, okay. It's interesting, because you've actually talked to Dr. Wong, who said the current bill—

**Mr. Marchese:** Any Tom, Dick and Mary can practise.

**Mr. Bisson:** Yes, exactly. That, I think, is the point. What I've heard from everybody else is that if this bill passes the way it is, it's going to be absolutely anybody, almost, who can say they're a Chinese traditional practice doctor. I think that would be a great disservice to the public. With that, Mr. Speaker, I thank you for the time in debate.

**The Acting Speaker:** Questions and comments? Further debate?

Mr. Smitherman has moved second reading of Bill 50, An Act respecting the regulation of the profession of traditional Chinese medicine, and making complementary amendments to certain Acts.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. Motion carried.

Shall the bill be ordered for third reading?

**Hon. Michael Bryant (Attorney General):** I would like to refer this to the standing committee on social policy.

**The Acting Speaker:** The bill is therefore referred to the standing committee on social policy.

Orders of the day.

## FAIR ACCESS TO REGULATED PROFESSIONS ACT, 2006

### LOI DE 2006 SUR L'ACCÈS ÉQUITABLE AUX PROFESSIONS RÉGLEMENTÉES

Resuming the debate adjourned on October 10, 2006, on the motion for second reading of Bill 124, An Act to provide for fair registration practices in Ontario's regulated professions / *Projet de loi 124, Loi prévoyant des pratiques d'inscription équitables dans les professions réglementées de l'Ontario.*

**The Acting Speaker (Mr. Joseph N. Tascona):** Debate?

**Mr. Rosario Marchese (Trinity-Spadina):** I have 20 minutes. I might be able to use it all up; I'm not quite sure. I'll do my best.

I'm very pleased to speak to the issue of access to professions and trades, and I want to say that we have wasted the talents of so many of our immigrants who have come to this country, and to Ontario in particular, for a long time. It is sad to know that engineers are driving taxi cabs and doctors are delivering pizza, but it has happened, and it continues to happen. What a waste of talent. What a shameful reflection on governments both federal and provincial in terms of government's inability to deal with this very pressing issue.

Just to put out some facts that I think would be of interest to people:

In Canada, it takes, on average, 10 years before a highly skilled immigrant reaches the same level of employment as a Canadian with approximately equivalent credentials.

The Conference Board of Canada, a private think tank, calculates that the impact to the Canadian economy of failing to recognize immigrants' learning and credentials is in the range of \$3.4 billion to \$4.97 billion annually.

A recent Statistics Canada study found that one in six male immigrants leaves Canada for better opportunities elsewhere within the first year of arrival, and those most likely to emigrate are skilled workers.

Researchers found that one third of male immigrants aged 25 to 45 at the time they arrived in Canada left within 20 years. More than half of those who left did so within the first year. The study's subject group amounts to about 50,000 newcomers a year. Of those, 17,000 immigrant men in that age range will end up leaving Canada eventually.

Some examples: The Ontario government partially funds a private service, World Education Services. WES, the acronym for World Education Services, charges between \$115 and \$200 to individuals to verify their academic qualifications from another country and determines the equivalent in Canada. The Ontario government has, by and large, taken a half measure and baby steps to remedy this problem.

Immigrants are ill-served by governments. In fact, so many of these well-qualified people come to this country and are working at minimum-wage jobs. At no other time in our history have we seen immigrants come to this



country who do not, and did not then, get into good employment that paid good wages, that permitted them to live good and comfortable lives in this country. Not today. Many immigrants work at such low-paying and low-end jobs that they're not able to enjoy the resources and the riches of this country and the relative comfort that most Canadians live in.

You have people working at one, two, three jobs as a way of paying the rent and/or, if they're interested, buying and paying for a house. In our time, in 1956 through 1965, my father, who came here in 1956 and bought a house in 1962, could, with the help of my older brother, buy a house and pay off a house in three years. It was amazing. The house cost \$14,000 in 1962, and with two people working and the sacrifices they made, they could pay for a house in three years. You can't do that anymore.

The housing prices in this country have gone up so much, are so high that most recent immigrants will never be able to afford that dream of being able to buy a house, and this includes highly qualified individuals whom we call upon from other countries.

1620

For years federal governments have been discriminating in the way they attract people to this country, and I'll explain: They say, "We only want highly qualified individuals." We bring them into this country, and they can't find work, and the work they can find is not in their field and is low-paying. Yet many other workers who are desperately needed in this economy, and have been needed for the last eight, nine, 10 years—those who work in the construction trades—happen to be illegal to this country because we do not, through the points system, allow them into the country. They're illegal. They're desperately needed, and we are deporting them from this country.

Those are the policies of the former Liberal administration, and they continue under the Conservative administration. For 13 years when the Liberals were there, while they could have changed these policies, they did so little. And now, in opposition, they're attacking the Conservative federal government for not doing enough for tradespeople. It's a funny thing to witness. It's so highly ironic and so highly shameful that so many Liberal MPs who were in power did nothing, yet now they seem to be so fully aware of the problem that they're attacking Conservative members for simply not doing enough for those tradespeople we need and are deporting. Yet we will invite highly qualified people who can't find jobs in their field. Shameful.

Provincially, the government, three years into their mandate, introduces a bill that in and of itself isn't so bad, which is typical of Liberal bills. They're not so bad. They're not good or great; they're just not so bad. It's difficult to attack them, because they say, "Well, it's better than what we had," and this is true. As so many Liberal members are fond of saying, "We could do better. Could we do more? Oh, yes." When? "Well, in time, slowly. We can only do so much and go so fast." That's

the typical Liberal chorus to anything we criticize them for. "Could we spend more? Oh, yes," they say, "But you have to acknowledge that we've done so much." It just cracks me up each and every time I hear it. They crack me up every time they do that. Whether I'm debating with ministers or MPPs, the usual response is what I just articulated. It's a joke, as the current Speaker would often say in response to some things he doesn't agree with or appreciate, and I agree with him in this regard.

So they introduce this bill. Just to highlight some of the things they're doing, this bill prescribes new rules for any regulating professional body such as engineering, doctoring, nursing and so on; considers the non-Canadian credentials of a person hoping to practise a profession; and creates a legislative requirement that they be applied fairly. It seems like a reasonable baby step. It's really hard to disagree with much of what they prescribe. The bill also establishes a fairness commissioner reporting to the minister in the House.

**Hon. Michael Bryant (Attorney General):** That's fair.

**Mr. Marchese:** The Attorney General says it seems fair to have a fairness commissioner. How could anybody disagree with a fairness commissioner, who obviously is going to prescribe fairness in his role as commissioner. How can you be against fairness? I'll point it out as soon as I can.

Remember, that the fairness commissioner cannot be involved in any way in any individual appeal case, because that wouldn't be fair, would it, Attorney General? But he is the fairness commissioner.

**Hon. Mr. Bryant:** So that's fair.

**Mr. Marchese:** So that's fair under Liberal-prescribed rules.

The bill also establishes an access centre for internationally trained individuals that will conduct research, provide information to immigrants and, in all likelihood, conduct a whole lot of public relations for the government. And so the Liberal members would say, "Well, it seems reasonable and, okay, it's a nice baby step. How could you be against it?" I'll try to articulate my opposition to some of these things as best I can.

Here's the problemo, as I often say: There is nowhere in this bill that talks about an appeals process. The Attorney General will probably be, I don't know, somewhat supportive of a possible position for an appeal. I suspect most lawyers would think there's got to be an appeals process—I would think, in my judgment. Chair, you are a lawyer, and you would think there's got to be an appeals process in almost everything we do in the legal system, but there is no appeals process in this bill. I just wonder why that is not there. The Attorney General is going to speak to this, yes.

Nothing in this bill gives a foreign-trained professional an avenue for appeal if they're being stonewalled by the professional organization. Under this bill an applicant who is shortchanged can only appeal for an internal review of the decision conducted by the same people who issued the decision in question. I just don't think that's okay. I don't think the Attorney General agrees with this,



and if he does, I guess he'll speak to it after I'm done. The government's own expert, former Judge George Thomson, in his 2005 report to Minister Colle said that an appeals process was vital. This is what he said: "An independent appeals process from the registration decisions of Ontario regulatory bodies in the self-regulated professions ought to exist. The rationale is that well-developed, transparent, independent appeal mechanisms enhance public confidence in the overall registration process."

"The importance of independent appeals of registration decisions was confirmed by many participants in the consultation, including those regulators whose decisions are currently subject to independent appeals. Independent appeals were supported for the following reasons...."

I tend to agree with Judge Thomson in this regard. It seems like a reasonable step to take. Liberals who pride themselves in being reasonable, looking to practical kind of solutions, would under different circumstances, or normal circumstances, agree with Judge Thomson, but in this particular case it seems that they disagree.

The government's access centre will only provide support with respect to the requirements for registration and the procedures for applying. They will not and cannot help applicants through the process or advocate on their behalf. In his report, Judge Thomson said that supports were required, particularly during the appeals process, so people would not in effect be their own counsel. Under this bill, a new Canadian will be forced to negotiate the internal review process on their own without any support against the very organization that has already dismissed their claim. So, yes to an access centre, but I agree with George Thomson, who says that supports were particularly required in the appeals process so people would in effect not be on their own in defending themselves, with few skills in the legal system, with few language skills, in some cases, to be able to navigate this kind of legal process. I think it's not right.

There is no guarantee that all regulated professions will be covered. The regulated professions to be covered by this bill are included by regulation, not by the statute, so there is absolutely no guarantee that this bill will even cover all professions. I think there are about 36 professions that we are talking about.

So these are the questions that we raise that make it difficult for us to say this is a good or a great bill. It is a baby step that is hard to disagree with and attack, but we have laid out our opposition to this bill. It is not doing the best it can for people who come here, who have professions, who need to be hired and hired quickly.

The government has made strides as it relates to doctors who come from out of country, but the reason they've made important strides with doctors is that the government desperately needs them. I argue, if you can do that for doctors, why can you not speed up the process for the other professions? Why could you not have done

that for the other professions? Why is it that we only do that for those professions desperately needed by the government, and the other professions have to fend on their own?

The only thing the government can call upon is what we have done for doctors, but it cannot be said about, or at least in the same measure, what we have done for engineers, nurses, teachers or any other professional who has desperately tried to get into a work situation that reflects their skills, who could be employed in a way that would benefit him or her and benefit our society.

They've done so, so very little. Will all these professions be covered? If so and if yes, include them in the bill. Don't allow us to guess as to what may or may not be included by regulation in your bill.

We as New Democrats have identified the weaknesses of this bill that need to be improved. That's why we are very interested in having hearings, so that those who have the expertise can and will be given the opportunity to come in front of our three-party committee and debate with us or present their case. It is my view that many of these professionals will come in front of this committee and argue and debate, as I hope they will, that the bill needs to be made stronger, and that it can and it should be.

If this is an opportunity for you to introduce a bill that brings about the fairness they're looking for, make it better, because you can. It won't hurt you as a government but it will certainly benefit all these professionals who are looking for better and more effective ways to get the jobs they're so desperately waiting to get.

I hope that will happen, and I hope we'll see changes when the hearings happen.

**The Acting Speaker:** Questions and comments? Further debate?

Mr. Colle has moved second reading of Bill 124, An Act to provide for fair registration practices in Ontario's regulated professions.

Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. The motion is carried.

Shall the bill be ordered for third reading?

**Hon. Mr. Bryant:** Mr. Speaker, I would like to refer this one to the standing committee on regulations and private bills.

**The Acting Speaker:** The bill is therefore referred to the standing committee on regulations and private bills.

Orders of the day.

**Hon. Mr. Bryant:** I move adjournment of the House.

**The Acting Speaker:** Is it the pleasure of the House that the motion carry? Carried.

This House stands adjourned until 1:30 p.m. of the clock Monday, October 23, 2006.

*The House adjourned at 1634.*

## OTHER BUSINESS

### Visitors

Mr. Bryant ..... 5629

The Speaker..... 5629

### Business of the House

Mr. Bradley ..... 5642

## TABLE DES MATIÈRES

**Jeudi 19 octobre 2006**

### AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS

**Loi de 2006 sur les droits et  
responsabilités en matière  
de biens-fonds, projet de loi 57,  
*M. Barrett*  
Rejetée ..... 5621**

**Loi de 2006 sur la pollution causée  
par le courant tellurique,  
projet de loi 143, *M<sup>me</sup> Van Bommel*  
Adoptée ..... 5620**

### PREMIÈRE LECTURE

**Loi de 2006 du ministère des  
Services gouvernementaux sur  
la modernisation des services  
et de la protection du  
consommateur, projet de loi 152,  
*M. Phillips*  
Adoptée ..... 5624**

### DÉCLARATIONS MINISTÉRIELLES ET RÉPONSES

#### Semaine de réduction des déchets

*M<sup>me</sup> Broten* ..... 5625

*M<sup>me</sup> Scott* ..... 5627

*M. Tabuns* ..... 5628

### TROISIÈME LECTURE

**Loi de 2006 sur l'accès à la justice,  
projet de loi 14, *M. Bryant*  
Adoptée ..... 5629**

### DEUXIÈME LECTURE

**Loi de 2006 sur les praticiennes  
et praticiens en médecine  
traditionnelle chinoise,  
projet de loi 50, *M. Smitherman*  
Adoptée ..... 5646**

**Loi de 2006 sur l'accès équitable  
aux professions réglementées,  
projet de loi 124, *M. Colle*  
Adoptée ..... 5648**



# CONTENTS

Thursday 19 October 2006

## PRIVATE MEMBERS' PUBLIC BUSINESS

<b>Land Rights and Responsibilities Act, 2006, Bill 57, Mr. Barrett</b>	
Mr. Barrett .....	5605, 5613
Mr. Ruprecht .....	5606
Mr. Wilson .....	5607
Mr. Bisson .....	5607
Mr. Leal .....	5609
Ms. MacLeod .....	5610
Mrs. Van Bommel .....	5611
Mr. Yakabuski .....	5611
Mrs. Mitchell .....	5612
Ms. Scott .....	5612
Negated .....	5621
<b>Ground Current Pollution Act, 2006, Bill 143, Mrs. Van Bommel</b>	
Mrs. Van Bommel .....	5613, 5620
Mr. Yakabuski .....	5615
Mr. Tabuns .....	5616
Mr. Lalonde .....	5617
Ms. Scott .....	5618
Mr. Leal .....	5618
Mr. Barrett .....	5619
Mr. Levac .....	5619
Agreed to .....	5620

## MEMBERS' STATEMENTS

<b>Waste Reduction Week</b>	
Ms. Scott .....	5621
<b>George Maroosis</b>	
Ms. Smith .....	5621
<b>Highway 417</b>	
Mr. Yakabuski .....	5621
<b>Veterans</b>	
Mr. Levac .....	5622
<b>Government advertising</b>	
Mrs. Witmer .....	5622
<b>Property taxation</b>	
Mr. Prue .....	5622
<b>Multiculturalism</b>	
Mr. Kular .....	5622
<b>Health care</b>	
Mrs. Jeffrey .....	5623
<b>Conservative nomination candidate</b>	
Mr. Dhillon .....	5623

## REPORTS BY COMMITTEES

<b>Standing committee on finance and economic affairs</b>	
Mr. Hoy .....	5623
Report adopted .....	5623

## FIRST READINGS

<b>Ministry of Government Services</b>	
<b>Consumer Protection and Service Modernization Act, 2006, Bill 152, Mr. Phillips</b>	
Agreed to .....	5624

## MOTIONS

<b>Private members' public business</b>	
Mr. Bradley .....	5624
Agreed to .....	5624

## STATEMENTS BY THE MINISTRY AND RESPONSES

<b>Consumer protection</b>	
Mr. Phillips .....	5624
Mr. Tascona .....	5627
Mr. Kormos .....	5628
<b>Waste Reduction Week</b>	
Ms. Broten .....	5625
Ms. Scott .....	5627
Mr. Tabuns .....	5628
<b>Elder Abuse Awareness Day</b>	
Mr. Bradley .....	5626
Mr. Wilson .....	5627
Ms. Martel .....	5628

## THIRD READINGS

<b>Access to Justice Act, 2006, Bill 14, Mr. Bryant</b>	
Agreed to .....	5629

## ORAL QUESTIONS

<b>Hospital services</b>	
Mr. Tory .....	5629
Mr. Smitherman .....	5629
<b>Ontario public service</b>	
Mr. Tory .....	5631
Mr. Smitherman .....	5631, 5635
Mr. Hardeman .....	5633
Mr. Gerretsen .....	5634
Mr. Hudak .....	5635
<b>Water quality</b>	
Mr. Hampton .....	5631
Ms. Broten .....	5632, 5636, 5638
Mr. Ramsay .....	5632
Mrs. Van Bommel .....	5636
Mr. Rinaldi .....	5636
Ms. Scott .....	5638
Mr. Bisson .....	5639

## Minimum wage

Ms. DiNovo .....	5634
Mr. Sorbara .....	5634

## Property taxation

Mr. Prue .....	5635
Mr. Sorbara .....	5635

## Ministry of Transportation office

Mr. Barrett .....	5637
Mrs. Cansfield .....	5637

## Northern Ontario

Mr. Bisson .....	5637
Mr. Bartolucci .....	5637

## Autism treatment

Mr. Ramal .....	5638
Mrs. Chambers .....	5638

## PETITIONS

### Property rights

Mr. Wilson .....	5639
------------------	------

### Pension plans

Ms. Horwath .....	5639
-------------------	------

### Fair access to professions

Mr. Ramal .....	5639
Mr. Kular .....	5640
Mr. Brownell .....	5640
Mr. Rinaldi .....	5641
Mr. Arthurs .....	5642

### Water quality

Ms. Scott .....	5640
-----------------	------

### School facilities

Mr. Wilson .....	5640
------------------	------

### Highway 26

Mr. Wilson .....	5641
------------------	------

### Frederick Banting homestead

Mr. Wilson .....	5641
------------------	------

### Services for the developmentally disabled

Mr. Wilson .....	5642
------------------	------

## SECOND READINGS

### Traditional Chinese Medicine Act, 2006, Bill 50, Mr. Smitherman

Mr. Klees .....	5642
Mr. Tabuns .....	5643
Mr. Bisson .....	5644
Agreed to .....	5646

### Fair Access to Regulated Professions Act, 2006, Bill 124, Mr. Colle

Mr. Marchese .....	5646
Agreed to .....	5648

Continued overleaf



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Second Session, 38<sup>th</sup> Parliament

**Assemblée législative  
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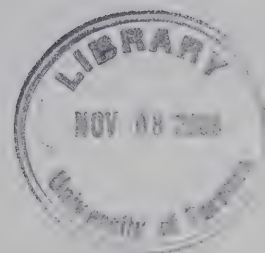
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**Official Report  
of Debates  
(Hansard)**

**Journal  
des débats  
(Hansard)**

**Monday 23 October 2006**

**Lundi 23 octobre 2006**



Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

Greffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 23 October 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### DIWALI AND EID-UL-FITR

**Mr. Frank Klees (Oak Ridges):** I rise today to join in the celebration of two important Canadian religious holidays.

On Saturday, October 21, the festival of Diwali was celebrated by Hindu and Sikh Canadians, who first arrived in Canada more than a century ago. Diwali is a great festival of light that commemorates the victory of light over darkness and goodness over evil. For Hindus, Diwali also commemorates Lord Rama's return after 14 years in exile. For Sikhs, the festival of light commemorates the return of Guru Hargobind Sahib and others from prison. Diwali is celebrated by the lighting of candles and by fireworks, as occurred throughout our province over the weekend.

Today also marks the Canadian holiday of Eid-ul-Fitr, the festival that heralds the end of the Ramadan fast for Muslim Canadians. Eid-ul-Fitr celebrates not that the fast has ended, but the spiritual discipline, personal goodness and rededication to helping others in society that are the fruits of Ramadan. The entire Muslim-Canadian community comes together in worship of Allah to give thanks for his merciful benevolence, as occurred at the CNE today with the leader of the official opposition, John Tory, in attendance.

On behalf of John Tory and the Ontario PC caucus, I would like to extend my warmest best wishes to our Islamic, Hindu and Sikh communities during the celebration of these significant Canadian religious holidays, Eid Mubarak, Shubh Diwali and Bandi Chhor Divas Mubarak.

#### SLEEMAN BREWERIES

**Mrs. Liz Sandals (Guelph-Wellington):** Last week, I was pleased to join John Sleeman at the celebration to announce that the sale of Sleeman Breweries to Japan's Sapporo Breweries has been finalized. Mr. Sleeman will continue as chairman and CEO.

In 1851, John Sleeman's great-great-grandfather started the first Sleeman brewery in my riding of Guelph. By the turn of the century, John's grandfather was producing

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 23 octobre 2006

Canada's first cream ale in a distinctive clear bottle. The original brewery ceased operations in 1933; unfortunately, the Sleeman sons had been caught smuggling their brew during Prohibition. However, John re-established the family brewery in 1985. Sleeman is an example of how a small brewery with a history of innovation and strong leadership, and great beer, can grow to become Canada's third-largest brewery.

The sale of Sleeman to Sapporo is a win-win-win deal. Sapporo gains a base to grow its Canadian market, Sleeman gains a major investor to continue to grow its business throughout North America, and my community is assured that the Sleeman plant will continue to operate in Guelph and provide employment stability for our local workforce.

Congratulations, and a tip of the glass to Sleeman and Sapporo.

#### MUSKOKA HERITAGE FOUNDATION

**Mr. Norm Miller (Parry Sound-Muskoka):** It is my pleasure to rise today to recognize the important work being done by the Muskoka Heritage Foundation. The foundation recognized a number of outstanding individuals who have made a difference to the built, cultural and natural heritage of Muskoka. Ian Turnbull was the deserving recipient of the Robert J. Boyer Award. In recent years, Ian has been a key volunteer in a number of projects, including The Wall Looks Back, a unique mural depicting the history of Port Carling; Grace and Speed, the Muskoka Boat and Heritage Centre in Gravenhurst; and the design group for the Wenonah II. Ian continues to give of his time and talent to the Muskoka Watershed Council and many other organizations and projects. The award is named after Bob Boyer, a local historian, past Muskoka MPP, author and publisher.

Horse logger Gerald Cook received a natural heritage stewardship award. He is recognized for the way he conducts his professional life, with a respect for the environment, leaving the forest in better shape than when he started. Other natural heritage award winners include Carol and Jim Hartill of Trethewey Falls; Asha and Sudi Devanesan, Three Mile Lake; and Carol Hulyas at Kahshe Lake. These award winners set a great example maintaining their properties to protect the environment and preserve Muskoka's natural beauty.

Winners in the built and cultural heritage stewardship awards include the Huntsville train station; Billie Bear Lakeside Community Club on Bella Lake; St. Thomas



Anglican Church in Bracebridge; and Lake Joseph Community Church.

Thanks to the Muskoka Heritage Foundation for the important work they do, and congratulations to this year's award winners.

### SMALL BUSINESS

**Ms. Cheri DiNovo (Parkdale–High Park):** I rise in honour of Small Business Month in Ontario. Small business is the engine of our economy, providing most of the employment across our province. Small business also represents the dreams made reality of many entrepreneurs who risk everything to finance and then build their own employment.

Currently, particularly in Toronto, small business is labouring under a significant disadvantage. Commercial property taxes have increased far faster than revenues. The province's policy of downloading expenses to the city has meant that Toronto businesses have seen total annual increases of 6.5%. Many small business owners, particularly retailers in Toronto, are closing or moving to York, Peel, Durham or Halton, where assessments are significantly less. Small business retailers everywhere find it difficult to compete against big box stores.

We know we need reform to property taxes, and our Ombudsman has made recommendations to that end. We know that our neighbourhood small businesses need our assistance. Let us put aside our partisan differences and act on behalf of small business during this Small Business Month.

### CHERYL PARROTT AND VANCE FANDREY

**Mr. Richard Patten (Ottawa Centre):** Cheryl Parrott and Vance Fandrey are very special residents of Hintonburg, which is an older community in my riding in Ottawa. They were honoured at a special community gathering recently. As a couple, they are committed to community building. They have had an outstanding impact on positive change in Hintonburg, where a cruel war between the lawful and the lawless has raged.

Drawing upon their common activist roots in Saskatchewan, this dynamic duo has demonstrated the meaning of caring for your community by mobilizing neighbours and motivating politicians to take back their community. Under their roll-up-your-sleeves, no-nonsense leadership, the Hintonburg Community Association, and later the Hintonburg business association, have cleaned up drug addicts' discarded syringes in parks and playgrounds, even those given out by the city's health department; closed down crack houses, even one under the guardianship of the Ontario government; and helped to shine the light of the media on street prostitution, drug trafficking and the slum landlords who host these illegal activities.

1340

As champions of safe communities, meticulous event organizers, and humble servants to the less fortunate, this

husband and wife team have been the heart and voice of Hintonburg for decades. I'm saddened to hear that they are retiring from their role as the unofficial parents of Hintonburg, but I'm also grateful to have sojourned with them.

One of the great personal benefits of serving as an MPP is to have had the good fortune of knowing and working with my friends Cheryl and Vance. As the representative for Ottawa Centre in the Legislature, I salute and honour them.

### SEAT BELTS

**Mr. John O'Toole (Durham):** Members would know that this afternoon, we begin our hearings on Bill 148 to amend the seat belt legislation. As well, there are hearings on Wednesday.

I want to remind people that our leader, John Tory, extends our condolences to the families of those who were killed in the tragic accident on Saturday, October 14.

It's also important to recall that under Bill Davis, our government introduced seat belt legislation in the province of Ontario over 30 years ago, the first jurisdiction in North America to do so.

Clearly, our caucus supports the principle of one seat belt per passenger. However, we remain concerned over the broad leeway the bill gives to making regulations and enhancing exemptions.

I must stress that we are disappointed that this government has not acted more quickly. I would like to point out that on November 15, 2005, almost one year ago, Emile Therien, president of the Canada Safety Council, sent correspondence, which I have, to Premier McGuinty asking that his government enhance the one-seat-belt-per-passenger rule. The McGuinty government was made aware of this over a year ago, and it remains a concern.

I look forward to the input during the hearings this week, and I'm confident that this input will ensure the details of the bill will make Ontario roads safer for all of us.

### EDUCATION

**Mrs. Carol Mitchell (Huron–Bruce):** As the summer drew to a close, parents and children alike began to think about the return of the school year and perhaps where their education might take them in the future.

As the school year officially kicked off, the riding of Huron–Bruce played host to the Minister of Education, Sandra Pupatello. The minister was on hand at St. Anne's Catholic secondary school in Clinton to make a special announcement regarding Ontario's future farmers. The specialist high-skills major initiative set up by the McGuinty government will see the establishment of special certificate programs in high schools. This initiative will include an agricultural program at St. Anne's that will help interested students become more adept at entering into the farming industry in the coming years.

A recent survey conducted by my office indicated that the number of farmers over the age of 46 in my riding is currently at 74%. This could lead to numerous problems if the number of new farmers coming into the industry does not meet the rapid growth of those retiring. This program will draw youth into the industry and ensure that there are enough people to work the land and produce safe, high-quality food. This program is being supported by agricultural businesses in my riding that all realize the extreme importance of a continued strong agricultural presence in Huron-Bruce. This is yet another way that the McGuinty government is establishing positive progress in the agricultural sector in the province of Ontario.

### HIGHWAY IMPROVEMENTS

**Mr. John Wilkinson (Perth-Middlesex):** On August 31, I was pleased to announce alongside my colleague the Honourable Donna Cansfield, Minister of Transportation, that the McGuinty government is improving Highway 7 and 8 between Stratford and New Hamburg by launching a study to determine the best route to reduce traffic congestion and prepare for future growth in our area. Also announced were repairs, which will begin in 2007. This is great news for my constituents, businesses and farms that rely on, and need improved access to, the 400 series of highways.

As Barb McLean, warden of Perth county, notes, "We're anxious to get the (study) going and see the completion of it. (Highway 7 and 8) is a very important part of Perth county with truckers moving our industrial products as well as our farm products."

It will also help boost Perth East's and Stratford's economic advantage and help attract new businesses. As the mayor of Stratford, Dan Mathieson, remarked, the auto industry is based on just-in-time delivery, and auto-makers are cautious about establishing themselves in an area where traffic and road issues could impede a delivery from arriving on time. So this announcement will therefore remove this obstacle to new economic development.

I want to close by saying that it is a testament to the wonderful co-operation and the wonderful relationship that has been forged with our municipal partners. Accordingly, I'd like to thank the leadership of Perth county, Perth East and the city of Stratford for their ongoing support as we await the results of this study.

### HUNGARIAN REVOLUTION

**Mr. Dave Levac (Brant):** Yo Naput. Today is the 50th anniversary of the Hungarian revolution. In the closing days of the Second World War, Red Army forces liberated Hungary from the Nazis. Unfortunately, under the Communist regime, liberation became subordination to the control of Moscow.

In 1956, Soviet Premier Khrushchev gave a secret speech which denounced Stalin and signalled that some of the satellite states might explore national paths, within

limits. However, the Soviet government did not allow the Hungarian Communist leadership to liberalize. In fact, a hardliner became the general secretary of the Hungarian Communist Party in 1956.

On October 23, Hungarians took to the streets in a peaceful demonstration to demand a declaration of independence from Soviet control. The march became violent when the Prime Minister of Hungary publicly called the demonstration "lies and rumours" and the crowd marched on the broadcasting station where he made that statement. The demonstrators were forced back with tear gas, which marked the beginning and escalation of violence that would end with Soviet tanks in the streets, thousands dead and 200,000 fleeing the country.

I married into a Hungarian family, and these freedom fighters deserve our praise today. We remember the Hungarian revolution as the first tear in the Iron Curtain. Although it was pushed back, its spirit lived on until the collapse of communism in 1989. The spirit of the Hungarian revolution will live on forever. Köszönöm szépen.

### VISITORS

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** On a point of order, Mr. Speaker: As you know, we have all these hard-working pages here. I have one from Bruce-Grey-Owen Sound, Chad Richards. He has his family here with him today, and I'd like to introduce them. They're all over the House, some up here and some over here. We have Dan and Sherry Richards, his parents; Brady Richards, his younger brother; Bill and Carol Prues, his grandfather and grandmother; Bill and Shelley Prues, that's an uncle; Steve and Wendy Mannerow; Jim and Wyonna Brick; and Gerald and Joan Wilhelm. They're all uncles and aunts. I think he brought the whole municipality down with him. I'm glad that he's here, and he has been doing a great job for us.

### INTRODUCTION OF BILLS

#### REGULATION OF ZOOS ACT, 2006 LOI DE 2006 SUR LA RÉGLEMENTATION DES JARDINS ZOOLOGIQUES

Mr. Zimmer moved first reading of the following bill:  
Bill 154, An Act to regulate zoos / Projet de loi 154,  
Loi réglementant les jardins zoologiques.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

**Mr. David Zimmer (Willowdale):** This bill, if passed, will regulate zoos in Ontario by setting out a licensing regime for zoos, by setting standards for zoos and by providing inspections to ensure that those standards are met in the operation of Ontario zoos.

**The Speaker:** On a point of order.



**Mr. Zimmer:** On a point of order, Mr. Speaker: I would like to introduce in the gallery to my right here the following, who have been very supportive of this private member's bill: Melissa Tkachyck, who is the campaign officer for the World Society for the Protection of Animals; Mr. Hugh Coghill, who is the chief inspector of the Ontario Society for the Prevention of Cruelty to Animals; and Mr. Rob Laidlaw, who is the director of communications for Zoocheck Canada.

## MOTIONS

### HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Monday, October 23, 2006, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1350 to 1355.*

**The Speaker:** Mr. Bradley has moved government notice of motion number 209. All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted  
Balkissoon, Bas  
Bartolucci, Rick  
Bentley, Christopher  
Bountrogianni, Marie  
Bradley, James J.  
Brotten, Laurel C.  
Bryant, Michael  
Caplan, David  
Crozier, Bruce  
Di Cocco, Caroline  
Duguid, Brad  
Duncan, Dwight  
Dunlop, Garfield  
Elliott, Christine  
Fonseca, Peter  
Hardeman, Ernie

Hoy, Pat  
Jeffrey, Linda  
Klees, Frank  
Kular, Kuldeep  
Levac, Dave  
Marsales, Judy  
Mauro, Bill  
McNeely, Phil  
Meilleur, Madeleine  
Miller, Norm  
Mitchell, Carol  
Mossop, Jennifer F.  
Munro, Julia  
O'Toole, John  
Parsons, Ernie  
Patten, Richard  
Peters, Steve

Phillips, Gerry  
Racco, Mario G.  
Ramsay, David  
Runciman, Robert W.  
Sandals, Liz  
Scott, Laurie  
Smith, Monique  
Smitherman, George  
Sorbara, Gregory S.  
Takhhar, Harinder S.  
Tory, John  
Watson, Jim  
Wilkinson, John  
Witmer, Elizabeth  
Wynne, Kathleen O.  
Zimmer, David

#### Nays

DiNovo, Cheri  
Kormos, Peter  
Marchese, Rosario

Martel, Shelley  
Murdoch, Bill  
Prue, Michael

Tabuns, Peter

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 50; the nays are 7.

**The Speaker:** I declare the motion carried.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### ACCESSIBILITY FOR THE DISABLED

#### ACCESSIBILITÉ POUR LES PERSONNES HANDICAPÉES

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for franco-phone affairs):** I rise in the House today to announce the next two steps that the McGuinty government is taking under the Accessibility for Ontarians with Disabilities Act to make Ontario more accessible to people with disabilities.

The members in this House took a strong stand on accessibility just over a year ago, when they voted this act into law in Ontario. I am pleased to be able to rise again in this House today and report on the progress that we're making as a result.

As the honourable members are aware, the act lays out a road map to make Ontario accessible to all people by the year 2025. Under the act, new mandatory accessibility standards are being developed which will bring down barriers that many people with disabilities face in their daily lives.

En octobre 2005, nous avons annoncé que les deux premières propositions de normes qui seraient élaborées concerneraient le transport et le service à la clientèle. Aujourd'hui, j'ai le plaisir d'annoncer que les membres du comité d'élaboration des normes d'accessibilité de services à la clientèle en sont parvenus à un accord en déposant une proposition de norme d'accessibilité relative au service à la clientèle. Celle-ci est affichée dès aujourd'hui sur le site Web de mon ministère afin que le public puisse en prendre connaissance et faire part de ses commentaires au cours des 60 prochains jours.

In addition, today we begin accepting applications for membership on a third standards development committee. As with the previous two committees, committee members will include representatives from disability communities, the broader public sector, the private sector and Ontario's ministries. Once assembled, this committee will begin work on a proposed standard for accessible information and communications.

#### 1400

Access to information and communications opens up opportunities for everyone. People with disabilities often find themselves at a distinct disadvantage when they are unable to access information, be it in print or electronic formats. Our expectation is that once drafted, this new standard will address many of those barriers.

According to Statistics Canada, approximately 1.5 million people in Ontario live with disabilities today. That is more than 13% of Ontario's population. As our baby boom generation grows older, the number of people requiring a greater level of accessibility in order to participate fully in their community will also grow. Accessi-



bility is something we simply cannot continue to overlook.

Les nouvelles que je me réjouis d'avoir pu vous annoncer à l'instant signifient que nous sommes sur la bonne voie pour faire de l'Ontario une province pleinement accessible d'ici 2025. À mes yeux, un Ontario où règne l'accessibilité universelle est une province où tout le monde peut, sans distinction en raison d'un handicap, avoir accès aux mêmes choix et à la même qualité de biens et de services. C'est une province prête à accueillir des visiteuses et visiteurs du monde entier et à leur offrir un séjour agréable, rempli des activités les plus variées, grâce à un niveau d'accessibilité égal ou supérieur à celui de leur lieu d'origine.

L'Ontario se veut une province où tout le monde, sans exception, peut réaliser son plein potentiel.

Avec la loi exemplaire dont nous disposons désormais, et grâce à la coopération et au soutien des secteurs privé et public élargi, ainsi que celui des personnes handicapées, nous allons faire de cette vision une réalité.

**The Speaker (Hon. Michael A. Brown):** Responses?

**Mrs. Julia Munro (York North):** I'm pleased to be able to respond, on behalf of the official opposition, to this announcement. I think there are three things one needs to consider when looking at embarking on consultation. The first one is obviously the question of adequate consultation and inclusion.

I have some concerns with regard to this initiative when I look back at the question of changes to the Ontario Human Rights Commission. I have to ask: If this government is interested in increasing access for disabled Ontarians, then why is it decreasing their access to justice through its changes to the Ontario Human Rights Commission?

The government's human rights changes, Bill 107, have been panned by many disability rights groups. The Ontarians with Disabilities Act Alliance said this summer that "it makes no sense that the McGuinty government's seriously flawed Bill 107 strips from the commission the key powers." They say, "The government's plans significantly weaken the Human Rights Commission's ability to effectively challenge barriers."

If this government is interested in access, then why is it cutting off access to justice? Will the accessibility review they are announcing increase access? And since you did not consult adequately with disability groups over the human rights changes, why should we believe that you will consult over accessibility?

But I'd also like to offer the suggestion, too, that timeliness is an extremely important issue when you are looking at consultation. I notice in your remarks that you refer to the 60-day period for the public to submit its comments, but there is no timeline on your side for a response to those suggestions that you receive.

Thirdly, I think it's important to look very carefully at the results of consultation. How long does a report sit on a minister's desk? We certainly have many examples of the fact that people have been consulted by this government and wait and wait to hear some response from the individual ministry.

Finally, there's the question of what action you take when you receive this evidence of consultation. I'm reminded of two examples—although not in your ministry—that come to mind. The status of the artist and the question of assessment are certainly two examples where the government has been quick to announce consultation but very slow in acting on it.

**Mr. Michael Prue (Beaches–East York):** In response to the minister, New Democrats, and I think many, many people in our community, many people in our province, remain troubled by the timeline. This has been said from the date the bill was introduced. It's not going to come into effect fully until the year 2025—20 long years of people living with disabilities with no real hope of improvement while this government consults, while this government sets up task forces. We know what needs to be done.

We note with interest the 60-day time frame you have set up here for people to comment. You know, 60 days may be long enough; I'm not sure, because there's no rationale given within your speech or anywhere else as to why this timeline has been chosen. But what we want to know is, how are you going to resolve the very great issues that you yourself set out? How is this going to resolve the training gaps in customer service? We don't know how your legislation is going to resolve any of that. We don't know how it's going to resolve the barriers in business practices that exist in far too many companies across this province. We don't know how long it's going to take to build the knowledge to meet the needs of the whole range of disabled peoples and disabled issues within the province of Ontario.

The disabled, of course, need access. We all want them to have access, but they also need understanding and compassion. That is what I fail to see that your government has done in the whole broad range of issues that involve people who are disabled.

First of all, we know, and you know, that 23% of the self-identified disabled in this province live in poverty. That's one in four living in poverty. We haven't seen anything in this act or any of the actions taken by your government that is going to lift any of them out of that grinding and hopeless poverty that so many of them live in. We haven't seen you taking any action to end the clawbacks. If you are disabled and on ODSP and you have children, we haven't seen any meaningful action taken by your government to let the money stay with the children of disabled people. They already live in poverty, and then they are forced to see the only monies they get for their children taken away from them by your government. There's no action on that at all.

We're also dismayed to see that you have reduced the benefits for the food supplement. It has gone down by 50% just since you have been minister. Just in that short period of time—some 6%—they have seen their food supplement monies go down. So 23% of the poorest of the poor disabled people have not fared very well under your ministry.

Last but not least, of course we are reminded of Bill 107, where you have taken away the rights of disabled



people, who had a strong and vigilant voice before the Human Rights Commission. You've traded it all away. You've brought in your bill, which is going to take away their voice, and there is nothing to replace it to make sure they are adequately represented.

1410

Of course we stand here today and say we want the disabled to have more access, but have more access to what end? To be able to be part of this community is what they need, first and foremost. They need the monies to do it; they need the ODSP payments to be upgraded; they need the clawback to stop. They need all of those things, which will help to move them from poverty and actually give them a voice, because if there is one thing they need, the one thing that they can deal with most of all is to be removed from poverty and become fully functioning members of this society.

It's all well and good to do the rest of this, but please, you are leaving the 23% behind. You need to do something, and I'm hoping that in the next 60 days, in light of what you're going to get from people across this province, you'll also find it in your heart to do something about those who live in that abysmal poverty.

#### VISITORS

**The Speaker (Hon. Michael A. Brown):** I would like to draw members' attention to the Speaker's gallery, where, joining my wife, Lynn, are Richard and Barbara Edwards, significant people in the Kagawong artistic community.

#### ORAL QUESTIONS

##### ONTARIO PUBLIC SERVICE

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. Premier, on Thursday we asked a number of the ministers about the fact that the government of Ontario's e-mail addresses and telephone numbers were used as contact information for no fewer than five senior ministerial and Premier's office staffers who are working for the Liberal Party of Canada.

The Deputy Premier defended it, but a few hours later the Premier's spokesperson correctly said, "Government resources are for government business." I agree with him. He went on to imply that the time and resources involved, both financed by the taxpayers' money, were used only one weekend. No one ever answered their phone or e-mail any other time.

Can the Premier tell us what action he's taken on this to protect taxpayers and the integrity of the system?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The facts in these, of course, remain very important. I think it's important that we understand what those facts are. We're talking about individuals who volunteered their time on a weekend to act

as neutral officials. In fact, they had to sign a piece of paper saying that they weren't getting involved in the federal Liberal leadership campaign in order to attend and act as neutral officials at a delegate selection committee.

The leader of the official opposition knows that all of those e-mail addresses are obtainable online through the website. Those were in fact obtained online. They were made available on a federal Liberal Party website, which was clearly not something that they had consented to. It's certainly not something that I approved. Those names have been removed, and I think that ends the story.

**Mr. Tory:** I think the fact of the matter here is that the neutrality that is talked about and indeed the lack of political activity that's talked about in the Public Service Act is not neutrality within the Liberal Party of Canada or within the Liberal Party of Ontario; it's political activity generally. The fact that these people stayed neutral inside the Liberal leadership race is not the issue. The fact is that there was some opportunity that they were engaged in political activity during the time they were working in ministers' offices.

The Premier has confirmed to us that the e-mail addresses were obtained online. What we're after here is perhaps some way of looking into this so we can all know that that indeed is the fact. I don't know how the Premier knows that. The issue is not that the list was posted; it's that these addresses and phone numbers were disseminated as part of, apparently, political activity that took place, and the Premier has said again that it was confined to one weekend.

My question is this: Given the seriousness of the fact that it would appear as if the e-mail addresses were used for political purposes, I think many people would agree that an investigation of some kind is needed. I would ask whether the Premier would refer this matter to the conflict of interest commissioner.

**Hon. Mr. McGuinty:** No, I will make no such reference to the conflict commissioner. If there's something that the leader of the official opposition feels is worthy of further examination by any body, he is welcome to pursue that. But there's a difference between insinuation, speculation, innuendo, and fact. The facts again are that five individuals who had to declare themselves to be neutral attended a delegate selection meeting. There were delegate selection meetings held in pretty well every single riding across the province. They needed neutral people, so some of our people showed up and said, "We are prepared to do that." It then became apparent that their e-mails were recorded without their consent on a federal Liberal Party website, and the leader of the official opposition now speculates and infers much beyond what actually happened. People volunteered. They did not volunteer to give out their information; that was obtained. That has subsequently been removed from the federal Liberal Party website. Again, that's all that happened.

**Mr. Tory:** It's very interesting when the Premier says that we're welcome to pursue it. The statute is set up



such that the only people who can actually request an investigation of people in circumstances such as this are you, the Premier, or your ministers. So there is no way in which we can pursue this other than to come here and ask you questions. That's interesting in and of itself, given how you feel in other areas about people investigating their own complaints.

Our system of government is founded on respect for the rules, respect for the rule of law, but we see some real problems when it comes to the Premier's approach to those foundations. The Premier wanted to raise taxes; he ignored the law. The former Minister of Transportation finds himself reprimanded and the Integrity Commissioner says so; the Premier turns a blind eye. Now we have a case where it would appear the resources of the government were used to further the operations of the Liberal Party of Canada.

Why is the Premier refusing to take this seriously? Why won't he refer it to the conflict of interest commissioner to get to the bottom of what the facts are? Why won't you do it?

**Hon. Mr. McGuinty:** The leader of the official opposition said something in here which he has said before. He alleges, without any basis in fact, that public resources were used to campaign. That's what he is saying. Again, the facts here are very clear. If he has other facts, then he should bring those forward; otherwise, he is simply trafficking in fiction.

Here again is the truth: People who happen to work in this government volunteered their time, on their time, to act in a neutral capacity. They specifically had to sign a form saying that they would be neutral and would not be campaigning on behalf of federal leadership candidates. They participated in delegate selection meetings. The federal Liberal Party obtained their information, which is available online at the Ontario government website; they posted it on the federal Liberal Party's website. And from this, the leader of the official opposition would infer, would use innuendo, that somehow we are using government resources to participate in a federal leadership campaign. There is no evidence of that, none whatsoever.

### HOSPITAL SERVICES

**Mr. John Tory (Leader of the Opposition):** I suppose if there's absolutely nothing wrong and all the facts are as they say, there would be no reason not to have somebody look into it. But anyway, my question is to the Premier.

On Thursday, I stood in this House and asked the Acting Premier whether or not he thought it was appropriate that at the Peel Memorial Hospital, which I visited on Wednesday—and I'll quote myself—"the average wait time to see a doctor in the emergency room was 12 hours.... There were 25 people in the emergency room who had been admitted to the hospital, but were lying on gurneys in the hallways ... because there were no beds available for them upstairs," and that it's not unusual, I was told, "for people to lie in the ER sometimes for four or five days, for babies who are there as pediatric emer-

gency cases to spend hours at a time ... waiting for a bed...."

I ask the Premier, is this a situation you find acceptable?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** As I had the chance to say to the honourable member during question period on Thursday, there are a few points that I think are very, very important. Of course, there are challenges in the emergency room that lots of us find unacceptable—no doubt whatsoever. This has been a long-standing challenge with respect to emergency rooms in our province, and if we're very objective about this, we will acknowledge that two decision points of the previous government contributed very seriously to this, as a recent study that they often quote referred to.

Number one is that we do have particular shortages of doctors, and the reasons for that have been well identified in this place.

Additionally, that party, while in office, cut 22% of the acute care beds we have. We are working hard to rebuild that. We committed to the people of Ontario to build 1,600; in fact, we have 2,000 that are en route. Brampton is the beneficiary of 302 additional beds, and I had the privilege of being in that community on Friday to announce yet a further \$19 million in equipment money.

The point is, we're working very, very hard to increase the capacity to produce a better result for the people at Peel Memorial and elsewhere in Ontario.

1420

**Mr. Tory:** What's unfortunate is that the minister couldn't, while he was out in Brampton on Friday, announce some beds opening in the existing Peel Memorial Hospital to take the pressure off the emergency room, when he knows that there are beds available that could be opened and funded by his government now.

I'll just move to another front. I received an e-mail actually addressed to the Premier from Paul Katz of Thornhill. He recently took his wife to North York General Hospital late one evening. She's a cancer patient and she was ill, perhaps from the effects of chemotherapy, he said. The two of them sat in the emergency room for nine hours before seeing a doctor who could give a diagnosis, and then she was admitted to the hospital. So she waited nine hours to be admitted.

The experience of Mr. Katz and his wife certainly doesn't match up with the claims contained in the self-congratulatory, taxpayer-financed, multi-million dollar ad campaigns that say, "The doctor will see you now." My question is this: Will the Premier agree to withdraw these ads, and when are we going to see some real, meaningful action taken to alleviate this kind of situation in the emergency rooms? When are we going to see both things happen?

**Hon. Mr. Smitherman:** It seems to me that the honourable member would be well advised to just turn a little to his right or look back over his left shoulder and



speak to the health ministers who are contained within his caucus, because they made some decisions. He speaks about North York. North York Branson hospital and Northwestern hospital are but two examples of 20 in the province of Ontario where emergency rooms once existed and do no longer as a result of actions that were taken by that government.

We are, as I said in my earlier answer, a government that's working hard to increase capacity: some 2,000 additional acute care beds, as one example, coming on-line. I say again to my honourable friend—he stands in this place and he talks about spending more money. We have invested, this year, 650 million additional dollars in the operation of our hospitals. He promises to cut \$2.5 billion from health care. In his third shot at this, perhaps the honourable member will reconcile these two very big challenges. How much additional resource would the honourable member put on offer for Ontario's hospitals? How much, sir?

**Mr. Tory:** It's fascinating how the minister somehow pretends that he has not been the Minister of Health for three full years now, with full responsibility and full ability to address every one of these problems that we talk about; every single one. Every single one—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. Final supplementary.

**Mr. Tory:** Day after day, we have this routine that I think even one of the government newsletters that follows the Parliament here described as a tiresome routine.

It gets worse that this. Mr. Katz, the same person who wrote about his wife—

*Interjection.*

**The Speaker:** The Minister of Economic Development and Trade: I won't warn you again.

**Mr. Tory:** Mr. Katz, the man who wrote the e-mail to the Premier and copied me and whose wife was having the problems with her cancer, developed some eye problems. After being referred to an ophthalmologist, he received notification of his appointment time to see an ophthalmologist: August 13, 2007. That's 10 months away; 294 more mornings that Mr. Katz will get up and pay the McGuinty health tax without getting the care that he requires. Mr. McGuinty's ad says, "The doctor will see you now," not 10 months from now. The Liberal platform said, "You deserve more than misleading TV advertisements paid for with your health care dollars." That's on page 4 of chapter 4. We agree.

Will the Premier agree that the ads should be withdrawn and that they should get on with doing something about these situations in the emergency rooms and doctor shortages.

**Hon. Mr. Smitherman:** The honourable member started to say at the beginning of his question that every single one of those issues could be addressed within the three-year time frame that he quoted, but the honourable member is sorely mistaken. He misunderstands how long it takes to produce a doctor. That's why we wonder why

he sat on his hands, so quiet in the backrooms, all those years while Ontario's physician supply was squandered by the inaction of that party. Why was he silent then?

This is an important question. To Mr. Katz I can say that, while we have not managed in three years to produce the sufficiency of doctors, that they caused a challenge, with respect to ophthalmology, we took off the spending caps. That means that that ophthalmologist is no longer closing their office on Thursday at noon, which was the circumstance under that party. Instead, we're paying them to see patients: 420,000 additional Ontarians with access to a family physician as a result of the work that we've done with Ontario doctors, through the agreement with the Ontario Medical Association.

I say one more time to the honourable member, who has on the record a commitment to cut health care spending by \$2.5 billion: How do you reconcile that commitment with all—

**The Speaker:** Thank you. New question.

## VETERANS

**Mr. Howard Hampton (Kenora–Rainy River):** To the Premier: Gord Moore is the provincial president of the Royal Canadian Legion, Ontario command. He was here today to present a poppy to the Lieutenant Governor in preparation for Remembrance Day, but he's also here on another mission on behalf of Ontario's aging veterans who fought for Canada, but now many of them are in long-term-care homes across Ontario. He's in the gallery and he's here to fight for you to keep your government's promise of an ombudsman for long-term care. Seniors and their families need an independent voice, an ombudsman, to speak out for them when the long-term-care system lets them down.

Premier, will you keep your government's promise to Ontario's veterans like Gord Moore, who fought for this country and are now fighting for dignity for seniors in our long-term-care homes?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Health and Long-Term Care.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** It's my privilege today to welcome the members from the Legion. We're also appreciative of the work that they do, and I've appreciated the opportunity of working with them.

We do have some disagreement with respect to the nomenclature. While I did commit to them to have an office associated with our bill, I said very directly at that time that I would not characterize it as an ombudsman; the decision had not been taken. What we believe strenuously and what we've built into this legislation is the idea of a very quick response on any matter where an individual indicates to us that service is not at a level that is appropriate. From there, through that 1-800 action line, is a very prompt response where the situation is triaged and where compliance officers are very directly sent to the



scene. We believe that aligning our resources there rather than in retrospect is the most appropriate way to preserve what, for all of us, is the important protection for those who are vulnerable in long-term-care homes.

We're looking forward to ongoing debate related to this legislation, to spending time at committee, and I want to thank everybody for their interest in this very important piece of legislation.

**Mr. Hampton:** These members of the Legion are not mistaken. They attended a meeting in your office on March 7, 2005, where you made the commitment that Ontario's long-term-care health system would have an ombudsman. Many government MPPs—Dave Levac, Kevin Flynn—wrote letters in support of the ombudsman. When your parliamentary assistant, Ms. Smith, called these officers of the Legion on October 6 to try to finesse your government's position away from an ombudsman, they were very clear: An ombudsman was promised, and you have failed to deliver.

My question is this: When are you going to keep the promise that was very specifically made to these Legion officers: that Ontario's long-term-care system would have an ombudsman—not a 1-800 number, not an adviser; an ombudsman?

**Hon. Mr. Smitherman:** I'll note from the honourable member's question that the facts that he asserts are not facts that he was in a position to assert. There is a difference of opinion around this, no doubt, but at the heart of it we agree fundamentally with the necessity of having a resource which is there and able to promptly respond to circumstances. I've already outlined that we've done it. In fact, we've built, over the last two years, our long-term-care system response on that basis. The 1-800 action line—the phone number is readily available in all long-term-care homes. To date, about 10,000 people have taken advantage of it. This has resulted in 2,500 compliance investigations.

The point is, we think that what is essential is that, at the first sign of neglect or care that is not of an adequate standard, all of the people in long-term care, whether they be residents, visiting family or whether they be health care providers themselves, be involved as sentinels in helping to make all of us aware of any circumstance that might not be appropriate. What I promise is that we have already created the capacity to respond promptly and to hold those long-term-care homes accountable.

**Mr. Hampton:** Minister, there is no mistake on the part of these leaders of the Ontario Legion. They say very clearly in their press release, "At a meeting in March 2005, the minister asked the Legion to be patient and wait for this legislation to be introduced. He indicated that his government would have a solution and create an ombudsman to oversee long-term-care homes and investigate complaints of care." You didn't talk about an adviser; you didn't talk about a 1-800 number.

1430

Minister, these Legion members are not going to go away. They see too many cases where incontinent veterans are left in diapers for long periods of time. They see

too many cases where veterans have died prematurely as a result of not receiving the care that they need and they deserve. Their website cites this poem by Rudyard Kipling: "By little towns, in a far land, we sleep, / and trust those things we won / to you to keep."

My question is this: Will you keep your promise—

**The Speaker (Hon. Michael A. Brown):** The question has been asked.

**Hon. Mr. Smitherman:** I say, with all due respect to the honourable member, that our government—all of the members of this place, of course—has a tremendous degree of respect for all of those who live in long-term-care homes, and no greater respect is known by any of us to any party greater than to those who have served our country in this fashion. That's why we think it's incumbent to make a long-term-care system which is immediately responsive to any raised concerns, not an ombudsman who can look in retrospect—six, eight, 10 or 12 months later—but rather a compliance resource which is lithe and is able to respond in a timely way.

We have placed this burden of responsibility on everybody. We have embedded in this legislation, if passed, whistle-blower protection that encourages the capacity on the part of all those sentinels inside long-term care to pick up the phone to raise concerns, with the assurance already in place of a system to respond very—

**The Speaker:** Thank you.

New question.

## WATER QUALITY

**Mr. Howard Hampton (Kenora-Rainy River):** To the Premier: I think it's pretty clear that the McGuinty government yet again intends to break trust. Last week, when I spoke up for the people of Pikangikum First Nation, citizens of this province were being denied safe, clean drinking water, people who have no access to basic water and sewage systems, forcing most residents to use decrepit wooden outhouses and carry their drinking water to their homes by pail, instead of taking action, your government, the McGuinty government, did what it always does: pointed fingers, looked for excuses and tried to find someone else to blame. The reality is that none of that—pointing fingers, making excuses or trying to find someone else to blame—will help the people of Pikangikum First Nation.

My question is this: What is it going to take before the McGuinty government says that what is happening in Pikangikum is wrong and does something to help these first citizens of Ontario get clean, safe drinking water?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the minister responsible for aboriginal affairs.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** We had this discussion last week. If the member wants to continue this dialogue and this debate, that's fine, because the finger rightfully has to be pointed towards the federal government. The proof of that, sir, is that I have been to



that community twice, and never have the chief or the council or the elders, whom I've met with twice in their community, brought up the water situation. They discussed with me and engaged with our government on economic development initiatives; we're funding those and proud to do so. But they know that it's the federal government that is responsible for their water situation. They don't bring it up with us or with me, personally; they bring it up with the federal government. You and I should be working together and with the federal government and say, "Do your job on the First Nation communities of northern Ontario."

**Mr. Hampton:** You go there as the Minister of Natural Resources and they talk to you about natural resource issues. They wrote specifically to the Minister of Health and pointed out that this was a very serious issue. There is an epidemic of bad water in Ontario First Nations communities. One of the problems in Pikangikum is that homes are not connected to the water treatment plant. Unlike the McGuinty government, former Ontario governments did something. They made funding available so that homes could actually be hooked up to the water treatment plant, so people wouldn't have to carry their water in dirty old pails and wouldn't have to worry about pollution.

Do these First Nations have to come to Queen's Park and show you, once again, sick children and seniors before you do something? Or will the McGuinty government act now to bring clean, safe drinking water to Pikangikum and other First Nations?

**Hon. Mr. Ramsay:** I also go to those communities as their advocate, as the minister responsible for aboriginal affairs in the province of Ontario, and we discuss a range of issues that they want me to advocate for on their behalf to different agencies and ministries of this government and other governments. They know that the water situation is fully a responsibility of the federal government. They don't ask me to take that over; in fact, the grand chief hasn't asked me to take that over. They want the federal government to live up to its responsibilities to take care of drinking water on First Nation communities right across this country. The McGuinty government also wants that.

I am meeting with the minister in Ottawa this week to bring up this very issue again. We've been corresponding on it. I've met with him before and I'm going to meet with him again this week, because the federal government has to live up to that responsibility. That's what the First Nation communities of this country also want.

**Mr. Hampton:** The McGuinty government tries to hide behind jurisdiction. In January 1992, the Ontario government of the day made available \$48 million to hook up First Nation homes to their water treatment plant. Following that, in 1997, 1998, 1999, 2000, 2001 and 2002, more money was made available by provincial governments in this province to hook First Nations up to water treatment plants so that people wouldn't have to drink unsafe drinking water.

The chief wrote specifically to your government asking for help. The health unit has pointed out the prob-

lem. Are you going to help this First Nation, or is the McGuinty government going to watch seniors and children get sick and say, "Oh, it's all a matter of jurisdiction"? What are you going to do?

**Hon. Mr. Ramsay:** I'm working on behalf of this First Nation community and other First Nation communities right across northern Ontario by going to Ottawa and making sure that the federal government has their feet to the fire, that they live up to the responsibilities they're neglecting right now. They can no longer neglect this responsibility. They have to ensure that there's safe, clean drinking water on First Nation communities right across this province. I'm going to visit Jim Prentice this week and insist that they live up to this responsibility. We're finding that communities right across the north now no longer have the infrastructure support for safe drinking water in their communities. They've got to invest in that. That's what First Nation communities also want: They want the federal government to live up to their responsibility. We're going to fight on behalf of First Nation communities to make sure the federal government lives up to that responsibility.

#### HEALTH INSURANCE

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. During the 2003 election campaign, the Premier promised to bring in a new system of audits for doctor billings in the province. In April 2004, Justice Peter Cory was appointed to review the audit system, and then in April 2005, he reported with 118 recommendations as to how this audit system could be improved. The Minister of Health at the time promised swift implementation, and said that he wasn't going to sit on the report. He may not be sitting on it, but it could well be occupied now holding his door open, because we're here 18 months later and there's still nothing.

The whole world—business, the non-profit sector—is moving in the direction of greater accountability and transparency, but here we have less accountability. The government's moving in the opposite direction. Premier, when can we expect a response to this report?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** Our government stands alongside Ontario's doctors. We believe fundamentally that they're honest and that they're reliable in the work they do.

This House, on a unanimous basis, passed a piece of legislation to hold us for the time period until the Cory report is implemented. That may have preceded your time here, I say respectfully. It was a unanimous consent motion that was negotiated with your party's deputy leader and with the House leader of the third party. That remains true. So it is inappropriate, as was alluded to in the article by the Toronto Star, to suggest that there is no accountability there for resources. Indeed, the OPP con-



tinues to have opportunities to utilize their fraud inspection capabilities; there's no alteration there. But with respect, the process that we—

**The Speaker (Hon. Michael A. Brown):** Response?

**Hon. Mr. Smitherman:** More in my supplementary opportunity, Mr. Speaker.

**Mr. Tory:** Justice Cory, of course, felt in his report that his recommendations were needed to guard the public interest, in the sense that many other measures are in place to do that. Dr. Yamashiro of the OMA section on pediatrics said that the reforms are needed, and Dr. Dindar, a neurologist and member of Ontario Doctors for Fair Audits, said that they were expecting the audit system this fall, and fall is rapidly passing us by.

Justice Cory put forward 118 recommendations in what was a very clear, comprehensive report. I don't know if that was inadequate or whether there's a problem with the report, but we have it in hand now, and notwithstanding whatever arrangements are in place temporarily, I think the need for a permanent solution is at hand, 18 months later. When will we see a comprehensive response?

1440

**Hon. Mr. Smitherman:** I'm pleased to inform the member and other members in the House that a larger bill will be presented this fall that will include the necessary amendments to bring to life the recommendations of Justice Cory.

I want to say to the honourable member that his comment with respect to "118" does make rather clear that this is a very substantially complex matter. We have sought—and some might say that we have erred too much on the side of caution—to be incredibly mindful of the necessity of our ongoing relationship with Ontario's doctors and with the Ontario Medical Association. I can assure you on this issue that the emotional response within the physician community is an extraordinary one.

Perhaps I could just quote one more doctor in closing. That was Dr. Samir Gupta, who wrote in today's Toronto Star, "I applaud the health minister for taking the appropriate and well-deserved time to reinvent a medical audit system that is just, transparent and humane." On that note, I can assure all members of the House that that's what's coming forward.

## PROPERTY TAXATION

**Mr. Michael Prue (Beaches–East York):** My question is to the Minister of Finance. Minister, Ontarians know that your so-called assessment freeze means that two years from now, they're likely to be whacked with several years of property tax increases all at once. Seniors on fixed incomes simply can't afford to be hit with years of increases in one shot.

Today, we've released our proposed ideas to fix the system. You have a copy; you've even told me you like it. But you're the government. What are you going to do to fix Ontario's broken property tax system today, not a year after the next election?

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** My friend from Beaches–East York got two out of three right. He got it right that I have the report; he got it right that I've read the report. Where he slipped a little bit is when he said I liked the report.

I want to have a serious moment to congratulate my friend for the work that he put into this report. I've had an opportunity to read it, and my folks have. I understand why, on the surface, the recommendations in the report would seem to be attractive. I want to simply say to my friend that he is wrong when he suggests that, at the end of the assessment freeze, we will see increasing property taxes. That is just not the case. The freeze on assessments was put into place in order to implement recommendations made by the Ombudsman. When that freeze is lifted, we will see a new cycle of assessments, but there's no relation between that and higher property taxes.

**Mr. Prue:** With the greatest of respect, the Ombudsman has only two outstanding issues left of his 22 issues. You've already adopted 20 of them. The two of them will not take 18 months to study. They should not take even 18 minutes to study.

I repeat: We've put forward some of our ideas to ensure that Ontarians are no longer forced to give up their homes because they can't afford endless double-digit property tax increases. But you haven't answered my question. My question to you is: When are you going to take direct action on this? We're not content that you take that action after the next election. You are the government now. What are you going to do to fix Ontario's broken property tax system today?

**Hon. Mr. Sorbara:** I simply want to remind my friend that he is a member of a party that was in government for five years and didn't address one single iota of political energy to a tax system which was entirely broken. But I want to say to him, in addition, just in order to get it straight and on the record, that the Ombudsman put forward 22 recommendations. Those recommendations are now being implemented by the Municipal Property Assessment Corp. The freeze is in place so that the corporation can actually bring about the changes in the process of assessing so that when the freeze is lifted, we'll have an assessment system that is much fairer and much more transparent to the property owners of the people of this province.

## WATER QUALITY

**Mrs. Carol Mitchell (Huron–Bruce):** My question is for the Minister of the Environment. Minister, I am still in disbelief that the members of the NDP and the Conservative caucuses voted against clean, safe drinking water for all Ontarians when they voted against the implementation of the Clean Water Act last week. A vote against the Clean Water Act is a vote against clean water.

The members of the Conservative caucus sure have short memories. Have they forgotten about the seven people who died in Walkerton five years ago because of



the contamination of the municipal drinking water system? Have they forgotten about the hundreds of people in Walkerton who are still sick from the effects of drinking contaminated water?

In 2002, the Walkerton inquiry made numerous recommendations as to how to protect Ontario's drinking water. The former Conservative government, led by Ernie Eves, pledged to the citizens of Ontario that they would implement Justice O'Connor's recommendations. Minister, do you have any idea why the Conservative caucus—

**The Speaker (Hon. Michael A. Brown):** The question has been asked.

**Hon. Laurel C. Broten (Minister of the Environment):** I want to thank the member for Huron-Bruce and her entire community, who has advocated on behalf of delivering clean, safe drinking water to the people across our province, that community having learned from the tragedy in Walkerton.

I, too, was extremely disappointed last week to see partisan politics put ahead of the people of Ontario, to see the opposition parties turn their backs on people like Bruce Davidson, vice-chair of the Concerned Walkerton Citizens, who said: "The ongoing challenges to the province's drinking water problems demand a comprehensive approach. The introduction of the Clean Water Act represents a crucial first step in the holistic stewardship of Ontario's drinking water for generations to come."

I'm proud to be part of a government that is meeting each and every one of Justice O'Connor's recommendations. We will not turn our backs on the people of any community, much less the people of Walkerton, and I'm ashamed of the opposition for doing that.

**Mrs. Mitchell:** I represent a rural riding, and I'm shocked by how the members of the Conservative caucus misrepresent the hard-working families of rural Ontario by aligning themselves with the Ontario Landowners Association.

At the Clean Water Act hearings, Mr. Randy Hillier said, "When there is contempt and disdain by government to the people, there is only one consequence of that: It builds hatred, and from hatred in society there is a far worse"—

**Mr. Robert W. Runciman (Leeds-Grenville):** On a point of order, Mr. Speaker: She clearly used a word that is unparliamentary. I ask you to have her withdraw.

**The Speaker:** The member may wish to reconsider that word. Withdraw?

**Mrs. Mitchell:** I would withdraw.

Mr. Hillier's comments do not reflect those of rural Ontarians. Yet the Conservative caucus continues to stand arm in arm with the association since the members of the Conservative caucus are too busy making deals with Randy Hillier and congratulating the members of the Ontario Landowners Association for the founding convention in the Legislature.

I just want to quote the MPP from Haldimand-Norfolk-Brant, on February 27, 2006: "They obviously hadn't had a chance to learn the truth about the Clean Water Act." Minister—

**The Speaker:** Thank you. Minister?

**Hon. Ms. Broten:** I would say to the opposition members that I guess it's difficult to appreciate who you have taken sides with and who you have set yourself to. That was a direct quote that was stated by Mr. Randy Hillier at the hearings.

Perhaps we should take a look at others who are supporting the Clean Water Act. Here's a version of an editorial out of Ontario Farmer. Ron Bonnett says: "It is gratifying to see the provincial government respond positively to proposals put forth by the farming community on issues such as the Clean Water Act. It is proof"—

*Interjections.*

**The Speaker:** Order. I need to be able to hear the minister respond.

*Interjections.*

**The Speaker:** Order. Minister of Health Promotion, I won't warn you again.

Minister?

**Hon. Ms. Broten:** I know that the members opposite might not care what farmers have to say in this province, but I can tell you that before the introduction of the Clean Water Act, we were consulting with members from rural communities right across the province.

1450

Let me be absolutely clear: We do not expect rural communities and rural Ontarians to shoulder the burden of source protection measures on their own. That's why we put in place a stewardship fund in the Clean Water Act; that's why this province is paying \$120 million for the science of water protection; that's why we have an initial down payment of \$7 million to move forward with early implementation; that's why we're working hand in hand with leaders in the agricultural and farming communities across the province; and that's how we'll—

**The Speaker:** Thank you, Minister. New question.

## RESPIRE CARE

**Mr. Frank Klees (Oak Ridges):** To the Minister of Health: Against the backdrop of your taxpayer-paid propaganda campaign claiming waiting rooms are empty and wait-lists are dwindling, Mrs. Rosa Tavares of Richmond Hill wants to know why respite care for her husband has been cut off. It was cut off when they moved from Mississauga to York region.

Mr. Tavares is paralyzed from the waist down. He is in the terminal stages of MS. His wife, Rosa, is the only caregiver. York region CCAC claims there is no funding for respite care and that she would have to go to the March of Dimes. The March of Dimes tells her that there are 35 people on the waiting list ahead of them and that it could be six months to a year before care is available through them.

Minister, I'd like to know from you, is six months to a year acceptable for the Tavareses to wait for respite care, and if not, what is your advice to Mrs. Tavares?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I want to



compliment the honourable member on his new habit of bringing forward questions without a sufficiency of information to be able to address them appropriately.

Like always, I will be happy to take this up with the honourable member or through his staff, if they send that along to my office, to investigate the circumstances and to do our very best in the circumstances for the individuals whom he raises.

I would say to the honourable member two further things. Number one is that we have very significantly increased resourcing for community care access centres, acknowledging that in a population like ours, which is aging, there are many, many challenges and opportunities to do more. And on that point, it will be very interesting to find out from the honourable member how his party would intend to do more, seeing as they're proposing to cut health care by \$2.5 billion.

**Mr. Klees:** I will pass the information on to the minister, if a page would come and get it, please.

Minister, please listen to Mrs. Tavares. Here's what she has to say:

"I am desperate and at my wits' end trying to work full-time as the sole means of support for my family and severely disabled husband.

"My family and I did not move to Afghanistan. We moved from Mississauga, Ontario, to Richmond Hill, Ontario. My husband, paralyzed from the waist down, still needs the same level of care despite the 30-kilometre move.

"It is difficult to understand that people from one single province can be treated so vastly different from one region to another."

Minister, do you agree that Mr. Tavares's respite care should not have been cut off, and will you undertake to ensure that that care is reinstated for him and for his family?

**Hon. Mr. Smitherman:** I will undertake, as I already have, to look at the matter and to do our very best in the circumstances for the individual whom the honourable member brings the question around. It would be inappropriate for me to make a clinical decision as I stand here in the Ontario Legislature. That is not my responsibility. All across health care are deployed more than 250,000 individuals, most of them far better and more appropriately tasked to deal with that matter.

What's left undealt with is the honourable member's inability or unwillingness to rationalize these two things: the desire on the one hand, here in the House today, to see health care spending increase, and the commitment that his party has on the record and that they're proud of and that they beat their chests around—a \$2.5-billion cut to health care.

#### HEALTH INSURANCE

**Mr. Peter Kormos (Niagara Centre):** I have a question to the Premier. I too, sir, want to ask you about the Cory report, now in your possession for some 18 months.

Dr. Anthony Hsu of Welland took his own life after struggling with the MRC's draconian process. Before he

died, Dr. Hsu led the struggle in this province to make the provincial government establish a fair system, and his widow, Irene Hsu, continues that fight to this very day.

Premier, can you tell us today, can you assure us, that the legislation that was spoken of by your minister a few minutes ago will contain all of the Cory recommendations?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I can tell the honourable member that it was a very emotional circumstance in addressing the MRC process and the specific case that the member brought forward. That's why we decided that the most appropriate way to go forward, recognizing that it's an emotional issue and that it's dealing with a lot of public resources, was to ask an esteemed former Supreme Court justice to do a hard bit of work for us. He has done that and he has given us the recommendations. We're working on bringing those forward in legislation that will come this fall, and I can tell the honourable member that we're seeking to do so on all points, in keeping with the Cory report.

Just a further point on that: On one or two occasions, we've actually gone back to Mr. Cory and asked him to try to assist us in moving forward in a fashion that is entirely consistent with the report that he brought forward. This is most certainly our intent.

**Mr. Kormos:** Minister, Cory called the MRC system "debilitating—and in some cases devastating."

You promised to act on his report, but now doctors are saying that your government is delaying implementation and trying to water down the Cory recommendations.

Dr. David Bach, president of the Ontario Medical Association, says that it would be "foolhardy" to question Judge Cory's conclusions. He said, "Let there be no question—our members are very alert to this issue and our members remember very well the inquisition-like atmosphere that existed before."

Please assure this chamber here and now that the Cory recommendations will be enacted in their entirety in the legislation that you propose to put forward.

**Hon. Mr. Smitherman:** I believe, in my earlier answer, I said just that. It is our intention to move forward with legislation that builds very deliberately upon the recommendations presented to us by Mr. Cory; there is no doubt about that.

I would say that in the Toronto Star piece from Saturday, there were different doctors' voices. We defer at all times to the head of the Ontario Medical Association, but if we read that story, we will see that different voices from within the Ontario Medical Association have come forward.

On point, we have responded to the situation by getting rid of the MRC; by staying all prosecutions, if you will, that were under way, related to the MRC.

I offer this assurance to Ontario's doctors: Having moved forward in a fashion to eliminate the MRC, it is not our intention to recreate it. We'll be moving forward



in a fashion that is consistent with the Cory report, and we continue to rely on Mr. Cory for advice related to the appropriate way to do just that.

### ELECTRICITY SUPPLY

**Mr. David Oraziotti (Sault Ste. Marie):** My question is for the Minister of Energy. Minister, last week I had the opportunity to be part of an exciting announcement in Sault Ste. Marie that will see our city's largest employer, Algoma Steel, invest \$135 million to build a 70-megawatt cogeneration plant. In addition, this project will create 200 new construction jobs and reduce greenhouse gas emissions by eliminating 400 tonnes of nitrous oxide. The Conservatives and the NDP did nothing to support this type of initiative. Our government's decision to offer incentives for cogeneration is great news for Algoma Steel and other businesses across Ontario.

Along with this project, six other cogeneration projects have recently been announced. Minister, how will these projects help to ensure electricity system reliability in Ontario?

**Hon. Dwight Duncan (Minister of Energy):** I'd like to thank the member for his question but more importantly for his outstanding work in making sure that this happened in Sault Ste. Marie. Projects like that are proof that this government, the McGuinty government, is doing things much differently than they used to be done on the energy file.

This was one of the most complex and involved electricity procurements in the province's history.

We're looking at all angles in the energy sector when it comes to planning for the future: generation, transmission, conservation, and energy efficiency.

We directed the OPA to build 1,000 megawatts of new-generation demand-management projects, including high-efficiency combined heat and power projects, because we saw an opportunity to help industry cut their electricity and their heating bills in one fell swoop.

The seven projects represent a capital investment of \$800 million in local communities and 414 megawatts of clean, clean power.

**Mr. Oraziotti:** I'm glad to hear that there'll be more opportunities for industry to participate in the coming months.

Algoma Steel has been pursuing a cogeneration project for well over a decade, but a report they released in 1995, after five years of NDP inaction, said that the economics didn't work. There's a surprise.

1500

Paul Finley, ASI's vice-president of business, commenting on the new strategy, said, "The long-term purchase agreement makes the economics of the project work.... It amounts to a guaranteed return on ... investment and eliminates" much "potential financial risk."

There are also organizations who are interested in the development of smaller cogeneration projects. Minister, what are we doing to help smaller cogeneration projects materialize in Ontario?

**Hon. Mr. Duncan:** The first combined heat and power RFP did see a good range of successful projects. The smallest project was a 2.3-megawatt district energy project in Oshawa, the largest being a 236-megawatt project in Thorold that the Minister of Tourism helped out with a lot as well.

As I said, there will be more opportunities for industries and companies to take part in a second combined heat and power RFP later this year. However, for smaller projects that feel the RFP process isn't the route to go, they can make a bid to the Ontario Power Authority to work on a clean energy standard offer program, which will appeal to those smaller projects that will have great community appeal.

The important point is that one government, in 15 years, has moved for cleaner, greener energy. That's the McGuinty Liberal government. We're undoing mismanagement by the NDP and Conservative—

**The Speaker (Hon. Michael A. Brown):** Thank you.

### LAW REFORM COMMISSION

**Mrs. Christine Elliott (Whitby-Ajax):** My question is for the Attorney General. Can you please confirm in this House a media report that you've been working behind the scenes to reinstate the Ontario Law Reform Commission?

**Hon. Michael Bryant (Attorney General):** I can tell this House that, in the opening of the courts ceremony last January in a speech open to the public, attended by many members of the public and reported on at the time, Ontario announced that it was going to be pursuing steps to bring back the Ontario Law Reform Commission, which had been taken away by the previous government.

**Mrs. Elliott:** I can tell you that no one in the PC caucus, in any event, heard about the Attorney General's plan until it was reported this morning in the Toronto Star. I find it very disappointing that the Attorney General, who claims to have transparency and access to justice as an important part of his mandate, has decided to announce this really important change to our justice system a year later, without anything other than this media news report. These are the types of decisions that should be the subject of debate among members and the subject of consultation with the public. The fact that members were left in the dark as the media were informed of this decision and announcement is, quite frankly, irresponsible. At this point, all we have is very little information from this news report about how the commission is going to work and how it's going to be funded.

Mr. Attorney General, why did you decide to inform the media before you made an announcement to this Legislature? And why have you not allowed for the public consultation that you say is so important?

**Hon. Mr. Bryant:** I promise I will get the member a copy of that speech. I will send it over to her and any of her constituents who are interested in the resurrection of a law reform commission.



The member may know that it was the previous government, the Harris-Eves government, that in fact got rid of the law reform commission. The member may also be aware that the federal Minister of Finance, with which the member may have some familiarity, also got rid of the federal law commission. We understand that you're on the side of getting rid of an independent voice that will provide for the kind of analysis and prescription that will raise access to justice. You are against that. We on this side of the House support that. That's why we, in fact, are attempting to bring back a law reform commission that will be ideologically indestructible, such that should the member opposite ever get the chance to try and get rid of it, she won't be able to.

### NUCLEAR WASTE

**Mr. Peter Tabuns (Toronto-Danforth):** My question is for the Minister of the Environment. Later today, I'll be giving a deputation to the Canadian Nuclear Safety Commission on Ontario's misguided proposal to build a deep geological nuclear waste dump at the Bruce nuclear power plant. The proposed site is less than one kilometre from the shores of Lake Huron. It puts at risk the water quality of the entire Lake Huron region and makes a mockery of source water protection. Yet, despite the clear threats that your nuclear waste dump poses to the environment and the quality of water in Lake Huron, there is no environmental assessment under Ontario's Environmental Assessment Act.

Minister, will you stand up for the environment, will you stand up for the Great Lakes and will you order an individual environmental assessment under the Ontario Environmental Assessment Act? Will you do that?

**Hon. Laurel C. Broten (Minister of the Environment):** The member opposite surely knows that the Canadian Nuclear Safety Commission is responsible for oversight and safety with respect to the nuclear power industry in Canada. The CNSC is responsible for issuing appropriate licences before any work would commence. As a result, the CNSC has set out conditions and scope of any EA required before the work would proceed.

But be absolutely clear, and I want the members across Ontario to understand, that our government would be part of any environmental assessment taking place, to ensure the health and well-being of Ontarians, because unlike the member opposite, we want to ensure we're delivering clean, safe drinking water. That's why we've supported the Clean Water Act. That's why we're moving forward with a plan for electricity that is clean, green, doubles renewables, doubles conservation and holds the line on nuclear. That's our plan for the future of the province. What's yours?

**Mr. Tabuns:** The environmental threat posed by this nuclear waste dump is now of concern on the other side of the border. Democratic Congressman Bart Stupak from Michigan has written to the nuclear safety commission expressing his concern about the risk and asking that alternatives to this radioactive dump be investigated.

An Ontario environmental assessment would look at those alternatives, Minister. You've refused to accept responsibility for this dump. Unlike other provinces, you've not applied our own Environmental Assessment Act, which is far more rigorous than the federal process. Your government is obsessed with generating nuclear waste. Why aren't you, as Minister of the Environment, taking action to ensure that a full Ontario environmental assessment is put in place to assess this proposal?

**Hon. Ms. Broten:** As the member opposite knows, the responsibility for the storage of nuclear waste lies with the federal government and under CNSC responsibility. Our responsibility, and my responsibility as Minister of the Environment, is to ensure that all steps taken in this province are done in a manner that ensures the health and well-being of all Ontarians.

Our government has a comprehensive plan to tackle climate change, to ensure clean air, to move forward on many fronts to ensure that we deliver a safe, clean, green, healthy future. We take that responsibility very seriously. We're moving forward to ensure that we generate electricity in a clean, green fashion and that we also protect drinking water in a way that has never been done before. Those who are experts in drinking water indicate Ontario was at the top of the class before and now we are in a class of our own. I'm proud of the success that we've had with respect to drinking water.

### IMMIGRANTS' SKILLS

**Mr. Bas Balkissoon (Scarborough-Rouge River):** My question today is to the Minister of Citizenship and Immigration. Minister, Ontario has become the great province that it is today thanks to the many contributions of newcomers from all over the world. Ontario has a long tradition of welcoming immigrants. In return, newcomers have long contributed to the province's prosperity and cultural richness in numerous ways.

As you know, Ontario received over 140,000 newcomers last year. Many have chosen to settle in my riding. They come with global expertise and a desire to contribute to Ontario's society. I understand that Bill 124, the Fair Access to Regulated Professions Act, passed second reading on Thursday, October 19. Minister, can you elaborate on why this legislation is of great importance to Ontarians?

**Hon. Mike Colle (Minister of Citizenship and Immigration):** Thanks to the member of Scarborough-Rouge River for the question. Bill 124 is the bill that basically recognizes the fact that Ontario can no longer afford to allow the barriers that exist for many foreign-trained professionals who are highly qualified and who want to practise their profession as a doctor, engineer, pharmacist. Right now, the status quo is not welcoming enough. The regulatory bodies are not open enough to change and giving opportunities. With this bill, we're going to work with regulatory bodies, appoint a fairness commissioner and make it under regulatory compulsion that the rules of application and licensing have to be fair,



applicant-friendly and accountable and transparent, because right now we're losing out on too many talented people because of the restrictions and the old, archaic, bureaucratic system which is no longer acceptable in modern Ontario.

1510

**Mr. Brad Duguid (Scarborough Centre):** By way of supplementary to the same minister: The previous Tory government's track record in assisting newcomers was nothing less than abyssal.

Last week, to our shock, we learned of a Tory nomination candidate in Brampton West implying that voters born in Canada would or should be reluctant to support elected representatives who happen to be immigrants. I'm glad, and I'm sure newcomers across Ontario are glad, that the McGuinty government is going in exactly the opposite direction.

In addition to the \$130-million investment in support services for newcomers, can the minister advise how this new legislation proposes to help newcomers?

**Hon. Mr. Colle:** I'd like to thank the member from Scarborough Centre. The key thing here is that we're telling regulatory bodies, we're telling employers, and we're telling government agencies in Ontario not to look at where the person was born, not to look at the person's religion or the person's accent, but to look at what the qualifications of the person are, to look at the ability of the person. Those are the things we're trying to achieve by letting people understand that we must look beyond the appearance of a person and look at their global experience, as you mentioned, the international experience. Don't just give an excuse that that person is not qualified because they don't have Canadian experience. Look at the person's international experience.

In other words, the old ways of closing doors is hurting our economy, it's hurting our society, it's hurting hundreds of thousands of newcomers every year. That's why we're saying to just look at the person's ability, look at the person's willingness to work. Don't just pigeon-hole people according to where they came from, look at what they can do. That's what Bill 124 does.

## PETITIONS

### LONG-TERM CARE

**Mr. John O'Toole (Durham):** I'm pleased to present a petition on behalf of my constituents in the riding of Durham. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still

not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"Therefore we, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million," as promised by the McGuinty election platform, "which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years...."

I'm pleased to sign and endorse this, and present it to Chad on behalf of my constituents.

**Ms. Shelley Martel (Nickel Belt):** I have petitions that have been signed by residents in Shelburne and Orangeville and sent to me by SEIU Local 1. It reads as follows:

"Whereas, in June 2003, Dalton McGuinty said Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios; and

"Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

"Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

"Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

"Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day."

I agree with the petitioners, and I have affixed my signature to this.

### IMMIGRANTS' SKILLS

**Mr. Jeff Leal (Peterborough):** I have a petition to the Ontario Legislative Assembly dealing with access to trades and professions in Ontario.

"To the Legislative Assembly of Ontario:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise

their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

I agree with this petition and will affix my signature to it.

#### HIGHWAY FUNDING

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition to the Legislative Assembly of Ontario which reads:

"Whereas gasoline prices have continued to increase at alarming rates in recent months"—and I can't imagine what the 1.5-million barrel decrease in OPEC's decision is going to do to those prices.

"Whereas the high and unstable gas prices across Ontario have caused confusion and unfair hardship to Ontario's drivers while also impacting the Ontario economy in key sectors such as tourism and transportation; and

"Whereas the member from Superior North and the member from Essex, as well as the current ministers from St. Catharines, Eglinton—Lawrence and Sudbury have introduced legislation to freeze gas prices;

"Therefore be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario consider an immediate temporary gas price freeze and fair and transparent gasoline pricing by supporting the previous members' bills while international gas prices stabilize"—Bill 10, Bill 18, Bill 80, Bill 32 and Bill 16.

I affix my signature in full support.

#### LONG-TERM CARE

**Mr. Peter Kormos (Niagara Centre):** I have a petition addressed to the Legislative Assembly of Ontario:

"Whereas, in June 2003, Dalton McGuinty said Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios; and

"Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

"Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

"Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

"Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day."

I have signed my signature to this petition as well.

#### IMMIGRANTS' SKILLS

**Mr. John Wilkinson (Perth—Middlesex):** "To the Legislative Assembly of Ontario:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle" right here "in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to



require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

I gladly sign the petition and give it to page Sarah.

1520

### HIGHWAY 26

**Mr. Jim Wilson (Simcoe-Grey):** "To the Legislative Assembly of Ontario:

"Whereas the redevelopment of Highway 26 was approved by MPP Jim Wilson and the previous PC government in 1999; and

"Whereas a number of horrific fatalities and accidents have occurred on the old stretch of Highway 26; and

"Whereas the redevelopment of Highway 26 is critical to economic development and job creation in Simcoe-Grey;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Liberal government stop the delay of the Highway 26 redevelopment and act immediately to ensure that the project is finished on schedule, to improve safety for area residents and provide economic development opportunities and job creation in Simcoe-Grey."

Obviously, I agree with the petition and have signed it. Thank you.

### LONG-TERM CARE

**Ms. Shelley Martel (Nickel Belt):** Here are petitions that have been signed by residents of Southampton and Port Elgin that have been sent to me by SEIU. They read as follows:

"Whereas, in June 2003, Dalton McGuinty said Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios; and

"Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

"Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

"Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

"Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day."

I agree with the petitioners and have affixed my signature to this. Thank you.

### FAIR ACCESS TO PROFESSIONS

**Mr. Brad Duguid (Scarborough Centre):** I have a petition signed by a number of residents from mainly the city of Toronto that reads:

"To the Legislative Assembly of Ontario:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

I agree with the petition and am pleased to affix my signature to it.

### ELECTRICITY SUPPLY

**Mr. Norm Miller (Parry Sound-Muskoka):** I have a petition regarding Hydro One line maintenance.

"To the Legislative Assembly of Ontario:

"Whereas Hydro One Networks Inc. provides hydro to many communities in the region of Parry Sound-Muskoka; and

"Whereas there have recently been several lengthy power outages in this region affecting both private residences, schools and businesses; and

"Whereas rural customers pay ... the highest distribution and delivery charges for electricity;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Energy and the Ontario Energy Board require Hydro One Networks Inc. to make improvements in line maintenance and forestry management in the region of Parry Sound-Muskoka to ensure reliable energy for its customers."

I support this petition.

## IMMIGRANTS' SKILLS

**Mr. Bob Delaney (Mississauga West):** It's my pleasure to read a petition given to me earlier this afternoon at the home of Mr. Haroon Khan in Mississauga. I bring greetings of "Eid Mubarak" to him and to his many friends and family. It reads as follows:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

I fully support this petition. I'm pleased to affix my signature and to ask page Maddy to carry it for me.

## GASOLINE PRICES

**Mr. Jerry J. Ouellette (Oshawa):** I have another petition to the Legislative Assembly of Ontario:

"Whereas the federal government collects over \$5.2 billion annually in tax revenues from the sale of gasoline products; and

"Whereas the federal government, in addition, collects over \$1.8 billion annually in GST revenue from the sale of gasoline products; and

"Whereas the previous federal Liberal government refused to commit additional funding for assisting road infrastructure in the province of Ontario;

"Therefore, be it resolved that we, the undersigned, respectfully petition the Legislative Assembly of Ontario to" continue working "with the new federal Conservative government in achieving" a further expansion of the "federal-provincial program to assist in further develop-

ment of Ontario's interprovincial roads such as the Trans-Canada Highway and Highway 401."

I affix my signature in support.

## IMMIGRANTS' SKILLS

**Mr. Wayne Arthurs (Pickering-Ajax-Uxbridge):**

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

I'll affix my signature to this and send it off with page Norah.

**The Deputy Speaker (Mr. Bruce Crozier):** The time for petitions has expired.

## ROYAL ASSENT

**The Deputy Speaker (Mr. Bruce Crozier):** I beg to inform the House that in the name of Her Majesty the Queen, His Honour the Administrator of Ontario has been pleased to assent to certain bills in his office.

**The Deputy Clerk (Ms. Deborah Deller):** The following are the titles of the bills to which His Honour did assent:

Bill 14, An Act to promote access to justice by amending or repealing various Acts and by enacting the Legislation Act, 2006 / Projet de loi 14, Loi visant à promouvoir l'accès à la justice en modifiant ou abrogeant diverses lois et en édictant la Loi de 2006 sur la législation.

Bill 43, An Act to protect existing and future sources of drinking water and to make complementary and other



amendments to other Acts / *Projet de loi 43, Loi visant à protéger les sources existantes et futures d'eau potable et à apporter des modifications complémentaires et autres à d'autres lois.*

Bill 51, An Act to amend the Planning Act and the Conservation Land Act and to make related amendments to other Acts / *Projet de loi 51, Loi modifiant la Loi sur l'aménagement du territoire et la Loi sur les terres protégées et apportant des modifications connexes à d'autres lois.*

Bill 83, An Act to amend the Child and Family Services Act and the Coroners Act to better protect the children of Ontario / *Projet de loi 83, Loi modifiant la Loi sur les services à l'enfance et à la famille et la Loi sur les coroners pour mieux protéger les enfants de l'Ontario.*

1530

## ORDERS OF THE DAY

### LONG-TERM CARE HOMES ACT, 2006

#### LOI DE 2006 SUR LES FOYERS DE SOINS DE LONGUE DURÉE

Resuming the debate adjourned on October 17, 2006, on the motion for second reading of Bill 140, An Act respecting long-term care homes / *Projet de loi 140, Loi concernant les foyers de soins de longue durée.*

**The Deputy Speaker (Mr. Bruce Crozier):** The Chair recognizes the member for Nickel Belt.

**Ms. Shelley Martel (Nickel Belt):** Thank you very much, Mr. Speaker. It's a pleasure for me to continue the debate.

Before I start, I'm just going to note that there are some folks in the gallery with us right now and others who will join us. They are: from SEIU, Service Employees International Union, Cathy Carroll, secretary treasurer, Local 1.0n, John Van Beek, Rabia Sayed, Winston Smith, Matt Galatis and Charlie Renaud; and from the Ontario Nurses' Association, Lawrence Walter and Shalom Schachter. I thank them for being here today.

When I last left off, I was in the process of talking about a resolution that was before this House on November 7, 2002, in the name of Mrs. McLeod, who was the former Liberal leader. I think the reason the resolution was before this House was because of the very shocking results of a study that had been done in 2001 by PricewaterhouseCoopers that showed that Ontario long-term-care residents were receiving the lowest standards of hands-on care in relation to a number of other jurisdictions that PricewaterhouseCoopers had studied.

Indeed, Mrs. McLeod came forward on that day and said, "That, in the opinion of this House, the Ernie Eves government should immediately establish minimum standards of care for nursing homes and homes for the aged, including the reintroduction of minimum hours of nursing care and the requirement for a minimum of at least one bath a week." It's worth noting that this came

because there had been a minimum standard of 2.25 hours of hands-on care per resident per day under the New Democratic Party government that was cancelled by the Conservatives in 1996. There also had been a requirement around baths per week that was also cancelled by the Conservatives. I think it was as a result of these things being cancelled that the standard of care for residents dropped so badly, and that was so clearly evident in the PricewaterhouseCoopers studies.

So Mrs. McLeod came forward with this resolution. She had the following to say: "I've chosen to use the opportunity to present this particular resolution because of a growing personal sense of outrage I have at the Harris-Eves government's, in my view, deliberate abandonment of our most vulnerable seniors."

She went on to say, "The minister says,"—that was the Conservative Minister of Health at the time—"We don't want numerical standards, because if you have a numerical standard, a minimum becomes a maximum.' A minimum only becomes a maximum if the funding body, the government, only funds to the level of minimum care. If they provide more dollars, more care can be given; you don't get held to the minimums. But at least you need some basics, some basics for which this government can be held accountable."

Well, I agreed with Mrs. McLeod then about holding that government accountable, and I agree that we should be holding this Liberal government accountable for the election promise that it made with respect to minimum standards of care, which of course, as I said the last time and I'll repeat again right now, was to reinstate the minimum 2.25 hours of hands-on nursing care that had been cancelled under the Conservatives.

Who else had something to say, though, that morning? There were a number of other Liberals here, and they're in this present assembly. Here's the member for Hamilton Mountain, now the Minister of Intergovernmental Affairs and minister responsible for democratic renewal, who participated in the debate. She said, "I'm pleased to rise and support my colleague's resolution for minimum hours of nursing care and the requirement for a minimum of at least one bath per week. It's almost a shame that we need to make this resolution, that we've come to this in Ontario in 2002, isn't it?"

Well, she's absolutely right. It sure is a shame that it has come to this in 2006; that in a piece of legislation affecting long-term care, the government did not come forward with the specific promise it made during the election of 2003 to reinstate those minimum standards of care that had been done away with by the Conservatives.

Here's the member from Sarnia-Lambton, now the Minister of Culture. This is what she had to say, "I find that, in this day and age, to actually have to be in this House to ask for a resolution to establish minimum standards, is almost as if we're returning to the Dark Ages when it comes to our long-term-care standards...."

"Again, cutting minimum hours of standards for nursing care means that there is no accountability mechanism, so they don't have to answer as to why these



hours are not being provided." I agreed with the member then and I agree with her now. It is like we've returned to the Dark Ages, when we have a Liberal government bill before us that does not reinstate minimum standards of hands-on care per resident per day. That is like returning to the Dark Ages. I thought the Liberals learned something in 2001 with the PricewaterhouseCoopers study, but I guess they haven't.

Let me quote another participant in the debate: the member from Kingston and the Islands. He's now the Minister of Municipal Affairs and Housing. In his particular comments he did reference the PricewaterhouseCoopers study, just like I did during that debate. He referenced that study, and he said the following:

"That's really what this is all about. Even with the government's new investment on the operating side, for which I applaud them, we will still rank dead last. The decision we have to make in this province is, with the generally high standard of living we have, where we're rated one of the best countries in the world and we are the best province in the best country in the world, do we really think, in terms of the way we take care of our seniors, that it's good enough to rank dead last when it comes to nursing services and personal care services we provide for our seniors in the homes? That's what it's all about."

Mr. Gerretsen was absolutely right then, and that is absolutely the matter before us right now, because why is it, after a study has clearly demonstrated that Ontario seniors rank dead last in terms of the hands-on care they were receiving, this government in this legislation does not keep its election promise to reinstate minimum standards? We haven't moved forward at all in that regard.

But it wasn't just some of the Liberal members and PricewaterhouseCoopers who had something to say about minimum standards. I want to reference now a report that was made public in April 2005 by a coroner's jury here in Ontario. That coroner's jury investigated the very tragic deaths of two residents at the hand of another resident in a long-term-care home in this province. The home was called Casa Verde Health Centre here in Toronto. These two tragic deaths occurred on June 9, 2001. The jury began the inquest at the end of January 2005. They reviewed 85 exhibits. They heard from 43 witnesses over nine days of deliberation. They made 85 recommendations for change in this report, and those changes involved the Ministry of Health, the Ontario College of Family Physicians, the Office of the Chief Coroner, the College of Physicians and Surgeons etc.

I want to highlight three important recommendations among the many important recommendations that were made by the coroner's jury. Three bear repeating here today in light of this discussion of the lack of minimum standards in this bill.

Recommendation number 28 from the coroner's jury: "That the Ministry of Health and Long-Term Care retain PricewaterhouseCoopers or a similar consultant to update the January 2001 report of the study to review levels of

service and responses to need in a sample of Ontario long-term-care facilities and selected comparators, and to have an evidence-based study of the present situation determine the appropriate levels of staffing for Ontario long-term-care facilities, given the significant number of Ontario residents with cognitive impairment and complex care needs in all long-term-care facilities. This would include determining the appropriate amount of direct registered nursing care that is required, the indirect registered nursing care and the total hours per resident per day of all overall nursing and personal care services on average." That was recommendation 28.

Recommendation 29 by the coroner's jury: "That the Ministry of Health and Long-Term Care in the interim, pending the evidence-based study, should fund and set standards requiring long-term-care facilities to increase staffing levels to, on average, no less than 0.59 registered nursing hours per resident per day and 3.06 per resident per day overall nursing and personal care for the average Ontario case mix measure. The funding formula for the nursing and personal care envelope must be immediately adjusted to reflect this minimum standard."

Again, in recommendation 30 by the coroner's jury: "That the Ministry of Health and Long-Term Care, once the updated evidence-based study is received, should set out standards based on this information for all Ontario long-term-care facilities to ensure that Ontario long-term-care facility residents are given appropriate nursing and other staff hours. At a minimum, the staff hours must be comparable to all other similar jurisdictions and are sufficient to meet the needs of present and future Ontario long-term-care facility residents."

#### 1540

You would think that after the PricewaterhouseCoopers result, you would think that after the coroner's jury recommendations, you would think that after the specific promise made by the Ontario Liberal Party in the election of 2003 that a reinstatement of minimum standards—indeed, a reinstatement of those standards to 3.06 hours of hands-on care per resident per day—would have found its way into this long-term care legislation. But it didn't. That's why this legislation is so aptly named by us as the "No minimum standards for seniors act," because that is the reality. There are no minimum standards for seniors with respect to hands-on care now, there haven't been for 10 years, and the government fails in this legislation to live up to the promise that it made to reinstate some standards.

What are the consequences? I think one of the consequences is that the situation now is either the same as it was in 2001 or worse—worse—for residents in long-term-care homes in this province.

The Ontario Association of Non-Profit Homes and Services for Seniors put out a release, March 9, 2006, that said the following: "Residents now receive just over two hours of nursing and personal care over a 24-hour period. OANHSS believes that this level is unacceptable and should be closer to at least three hours." Don't forget that OANHSS operates about 26,000 long-term-care beds



in the province of Ontario, so they know what's happening in long-term care.

They also said the following: "More personal support workers are needed. Currently, these front-line staff each care for about 10 residents, and they are stretched to the limit trying to meet residents' basic needs."

Point number three: "Homes are not able to provide anywhere near the level of rehabilitation and restorative care that residents need."

Point number four: "Only a small fraction of residents currently receive professional mental health services, even though 65 per cent have Alzheimer disease or some other form of dementia."

That, from one of the advocate organizations in the sector that is responsible for about 26,000 homes, is the standard of care in the province now. That's less than what it was in 1995, when there was a standard in place under the NDP.

That's probably why ONA, for example—the Ontario Nurses' Association—put out a release on October 3 with respect to the government's "No minimum standards for seniors act" and said the following: "The Ontario Nurses' Association ... says new legislation for long-term-care facilities is missing key elements that are essential to safer long-term-care environments: minimum staffing standards, improved working conditions and adequate transparency and accountability regarding how public funds are being spent.

"Many of the residents in long-term care are in need of complex nursing care," says ONA President Linda Haslam-Stroud. "Some facilities have just one registered nurse responsible for the care of 200 or more residents, and not enough staff to provide this care. These residents require the broader skill set that registered nurses bring, and without legislating minimum staffing requirements, care is not going to improve."

She ended by saying, "Legislating minimum staffing standards would also improve working conditions in nursing homes."

The SEIU, which also represents a number of workers in long-term-care homes across the province, has done some really excellent work over the past number of weeks comparing the number of hands-on-care hours that are being received in a number of homes where their workers are represented. I just want to read into the record some of those homes that they focused on and the level of care hours, because you will see that the overwhelming majority of those residents are receiving less hands-on-care hours now than they would have in 1995, over 11 years ago. Something is wrong with this picture.

At Extendicare in Peterborough, residents received 2.48 hours of hands-on care; Grace Villa in Hamilton, 2.20 hours of hands-on care per day; Blenheim Community Village, retirement residence REIT, 2.13 hours of hands-on care; Extendicare in St. Catharines, 2.33 hours of hands-on care per day; Extendicare Kirkland Lake, 2.18 hours; Extendicare Falconbridge, in my part of world, 2.12 hours of hands-on care per resident per day; Leisureworld in North Bay, 2.28 hours of hands-on care

per day; New Orchard Lodge in Ottawa, 2.58 hours of hands-on care; Maynard Nursing Home in Toronto, 2.58 hours of hands-on care; Uxbridge Health Centre in Uxbridge, 2.23 hours of hands-on care; Caressant Care in Marmora, two hours of hands-on care; Caressant Care in St. Thomas, 2.04 hours of hand-on care per day.

Eight of these homes have less than the 2.25 hours of hands-on care that was in place in 1995; four others have just above the 1995 standards. This is 11 years later. All of them fall far short of the coroner's jury recommendation of 3.06, so it is really clear that we need a minimum standard of care. We are in a worse position in many homes in the province than we were 11 years ago. In a province as wealthy as Ontario, this should not be the case, and it shouldn't be the case when you think about the promise that was specifically made by these Liberals in the last election to reinstate a minimum standard of care. At that time, they said they would reinstate the 2.25 hours, and even that hasn't made its way into the legislation.

Let me look at another election promise, because Mrs. McLeod was right: If you're going to have standards, then you also have to have funding from the province to back it up. Here's the second promise that was made by the Liberals to the frail and elderly and their families in the last election. If you go to the Liberal election leaflet again, you see that it clearly says, "Invest in better nursing home care, providing an additional \$6,000 in care for every resident." So where are the Liberals with respect to this very specific commitment of \$6,000 for additional care for every resident in every long-term-care home in the province?

Let me go back to OANHSS, which represents about 25,000 or 26,000 long-term-care beds in the province.

They said this on the day of the Liberal budget:

"The Ontario budget did not deliver the increased funding needed to make any significant improvements in long-term care.

"We're disappointed and, quite frankly, very frustrated," said Donna Rubin, CEO of the Ontario Association of Non-Profit Homes and Services for Seniors.... "With the province recording higher-than-anticipated tax revenues, we expected the government to make good on its commitment to revolutionize long-term care."

"While the budget identifies \$155 million for long-term care, the bulk of this is to maintain existing programs. There appears to be little new funding to improve direct care and services for the 75,500 residents currently living in long-term-care homes.

"The fact remains that funding to provide the level of care needed by residents remains woefully inadequate," said Rubin.

"Over the last three budgets, the Liberal government has raised the amount of annual funding going directly to care by about \$2,000 per resident. This compares to a promised increase of \$6,000—a promise made by the Liberals during the last provincial election.

"The Liberals told us that seniors' issues, and long-term care in particular, were priorities. Why then wasn't this an important item in the budget?" Rubin asked."



That is a very important and very good question to ask, because it is very clear that in the fourth year of their mandate, the Liberals have a long, long, long way to go to meet the election promise of \$6,000 of enhanced funding per resident in each long-term-care home.

Just as Mrs. McLeod said, if the funding was there, the standards could be met. The Liberals promised the funding; they should deliver. The Liberals promised the standards; they should deliver. And that should be delivered in this particular bill.

I want to focus on another provision that's missing from the bill that we believe is key to ensuring the quality of life for residents in long-term-care homes and for giving families confidence that there is someone, an independent body that is looking at matters involving long-term care in an oversight provision and someone who can deal with systemic problems in long-term care—because we know those exist—and that is the creation of the position of ombudsman.

I want to go to the report that was done by the member from Nipissing, the parliamentary assistant, because she certainly did talk about an ombudsman, among a number of things, in the course of the report that she released in March 2004.

She said the following:

"We see a need for a third party to advocate on behalf of seniors and long-term-care homes." I agree. "We see merit in the advocacy work being conducted by the Advocacy Centre for the Elderly and suggest they could play a more province-wide watchdog role on" long-term-care homes.

"There was also interest expressed by some in having a separate long-term-care ombudsman"—well, there certainly was—"or a new superintendent of long-term care. This would ideally be an independent and spirited Ontarian who would advocate for" long-term-care "residents and their families. This position could have the power to investigate when all other avenues have been exhausted. They could also advise the minister directly on trends and issues in provincial inspection and compliance. The appointment of a superintendent for a two-year term to restore the public's confidence in the safety of all of our homes would be welcomed by many."

1550

It would certainly be welcomed by the Royal Canadian Legion, Ontario command. That is what they expressed to Ms. Smith when they met with her on a number of occasions. That's what they directly expressed to the Minister of Health in his office on March 7, 2005, when they met with him to discuss the government's long-term-care legislation and what they would like to see.

You see, in the fall of 2004, the Royal Canadian Legion, Ontario command, began writing to a number of members asking individual MPPs to support the position of an ombudsman for long-term care. Here's a letter from the chief government whip, Mr. Levac, the MPP for Brant, dated November 7, 2005, addressed to Gord Moore. It says the following:

"I have every intention of supporting your position regarding the implementation of a seniors' ombudsman to advocate for long-term-care-home residents and to resolve consumer complaints about home care provided within Ontario communities. You have my commitment to support my government's establishment of this position as soon as possible. In addition, I have taken the liberty of forwarding your concerns to the Honourable George Smitherman, Minister of Health and Long-Term Care, as well as to the Honourable Jim Bradley, minister responsible for seniors. Please let me know if I can be of further assistance."

Well, they need some further assistance, I say to the chief government whip, because the promised ombudsman position—the one the minister promised verbally to the legion in a meeting in his office on May 7, 2005—hasn't materialized in this bill. They need your support and the support of others of your colleagues, like Mr. Flynn, who also wrote in support of an ombudsman, to tell the minister that it's about time we saw that position reflected in this legislation. You see, the legion and others, frankly, don't believe that an internal position set up by the minister is going to cut it. Let me read from a letter that they wrote to Dalton McGuinty, February 17, 2006:

"Our experience as advocates for veterans has led us to conclude that some cases are never resolved through existing channels. And although we support resolutions of problems at the lowest level possible, some residents and their families never receive resolution to valid complaints. Families are often handicapped in pursuing their complaint about the care of a loved one by lack of access or the cost of access to relevant files which would allow them to validate their concerns. At the end of the day, there is no one with the investigative reach of the ombudsman when all other efforts to resolve the problems have failed.

"Frankly, our members and officers were buoyed when we read Monique Smith's commitment to a plan for long-term care in Ontario and her recommendations for an ombudsman for long-term care. Sadly, there has been no follow-through on this by your government, and you will note that the Minister of Health's latest assessment is that an ombudsman for long-term care is not needed. Many of our constituents would beg to differ, along with the representatives from seniors' organizations. We have enclosed the overwhelming positive responses we have received to our proposal for a seniors' ombudsman.

"To our chagrin, Minister Smitherman, who once supported the notion, is now suggesting that those who are not comfortable or satisfied with government mechanisms to resolve an issue may direct their issues to community-based channels that exist. None of these community-based groups has the teeth of an ombudsman, and we do not even recommend a separate ombudsman. A mere expansion of the jurisdiction and mandate of the office of the Ombudsman of Ontario is what is needed."

What's interesting is that the Ontario command of the Royal Canadian Legion wasn't the only group that



lobbied very hard to have an ombudsman in place. This is a letter dated August 18, 2005, to the Minister of Health and the minister responsible for seniors. It was written by the seniors' advisory committee on long-term care. That's an advisory committee that the government has set up so that they can hear problems from seniors' organizations and hopefully respond. Here's what the seniors' advisory committee on long-term care told both ministers on August 18:

"At its March 22, 2005, meeting, a motion was passed by we, the members of the seniors' advisory committee on long-term care, in support of the government appointing a seniors' ombudsman for long-term-care-home residents and people receiving home care services. Representing more than a million seniors, the members of SACLTC support having a seniors' ombudsman to advocate for long-term-care-home residents and to resolve consumer complaints about home care provided within Ontario communities. We feel the current system, which relies solely on government staff, is simply not responsive enough to ensure seniors' rights are protected in an objective and fair fashion. We recommend the ombudsman be independent of any ministerial control or influence and would have the power to investigate concerns, and, within reasonable constraints, direct the government to take remedial action when all other avenues have failed. This approach would contribute significantly to the health and well-being of older Ontarians; in fact, all Ontarians.

"Moreover, we believe establishing the seniors' ombudsman aligns with the government vision of ensuring seniors live safely and with dignity and receive the appropriate care regardless of where they choose to live."

Well, it isn't the government vision. That's really clear, because all we have in the "No minimum-standards for seniors act" is a reference in section 35 that reads as follows with respect to the Office of the Long-Term Care Homes Resident and Family Adviser:

"35. The minister may—not even "shall"—"establish an Office of the Long-Term Care Homes Resident and Family Adviser to,

"(a) assist and provide information to residents and their families and others;

"(b) advise the minister on matters and issues concerning the interests of residents; and

"(c) perform any other functions provided for in the regulations or assigned by the minister."

Let me tell you, the Legion is not fooled by this. I suspect the seniors' advisory committee is not fooled by this. This is not what they asked for, this is not what the minister promised, and they are not satisfied with this provision; indeed, far from it.

That is why the Royal Canadian Legion, Ontario command, issued this press release on October 5, which said the following:

"Legion Disappointed With Bill 140, Long-Term Care Homes Act

"The announcement made by the Minister of Health, George Smitherman, fell far short of protecting our seniors by not announcing an ombudsman to oversee long-term-care homes and investigate complaints of care."

The Legion received many letters of support from members of the Legislature, including many Liberal MPPs, for the creation of an ombudsman for long-term care.

"At a meeting in March 2005, the minister asked the Legion to be patient and to wait for this legislation to be introduced. He indicated that his government would have a solution and create an ombudsman to oversee long-term-care homes and investigate complaints of care."

That's what the Legion had to say. That's what they had to say again this morning or this afternoon in a press conference. Mr. Moore was at the meeting with the minister; he knows what he heard. The question is, why is the government breaking yet another promise? Maybe it wasn't made in writing. That doesn't matter, because the government is quite open to breaking promises they make in writing too. But it certainly was a verbal commitment. The members of the Legion were at that. They have reiterated that again today. I say to the government, this legislation should have this position in place, just like Minister Smitherman promised the Legion members that it would be in place.

The government could quickly do this by implementing Bill 92, which is an act that was put forward by my colleague Ms. Horwath on April 5, 2006. In her bill, an amendment to the Ombudsman Act would give the Ombudsman the same powers in relation to hospitals and long-term-care homes, so the same investigative powers—powers to subpoena, powers to look at systemic long-term-care issues etc. If the government wanted to move quickly on this issue, all the government would have to do is take this particular bill and use it to amend its own legislation. And that's exactly what the government should do, if it was going to keep its promise made to the Legion and keep its commitment to its own seniors' advisory council, which also lobbied for an ombudsman.

I want to deal just briefly with issues of abuse and protecting seniors from abuse. I have to say that I am really concerned and, frankly, really unhappy that the government delayed two years in getting this long-term-care bill, the "No minimum standards for seniors bill," to this place. At the same time, we saw in the Toronto Star and in other places really shocking and appalling stories of mistreatment and abuse of seniors in long-term-care homes.

It was because of those stories that on April 1, 2004, my leader put forward a bill called the Safeguard Our Seniors Act, based on an act in Manitoba called the Protection for Persons in Care Act, which would have protected seniors in care in the province of Ontario. For example, it placed a duty on operators of health facilities, including long-term-care homes, to protect patients and residents from abuse. Those aware of it had to report it. The bill included very broad definitions of abuse.



1600

The bill said the service provider or resident or another person must promptly report any abuse or any suspicions of abuse to the minister. The minister then had the ability to appoint an investigator. Notice would be given to the resident about that investigation. That investigator had the right to enter the home, get records, interview people, and then that investigator had to come back and report to the minister. The minister would have the authority to give directions to the operator to prevent abuse from taking place. A copy of the directions that the minister was giving the operator had to be given to the resident and anybody else in the home or anybody else outside the home that the minister considered necessary.

In our bill, the minister also had the power to refer matters to a professional body that governed that person's professional status to determine whether or not an investigation should be undertaken, to see if disciplinary proceedings should be in order. Whistle-blower protection was included and there were very significant penalties for non-compliance, financial penalties that were stronger in our private member's bill than the financial penalties that now appear in the government's bill.

Having read through the section in the "No minimum standards for seniors act" and our bill, I have to say that our provisions were as good as or better than the proposed government provisions in the government's bill.

It is a shame that after the government delayed this legislation for two years, when allegations of abuse became very public—and they were certainly all over the front page of the *Star* at Christmas of 2003—the government would not have, in the absence of its own legislation, implemented our private member's bill, to at least have those provisions in place to try and improve the quality of care for residents in long-term-care homes. That bill was introduced on April 1, 2004. It was reintroduced by myself in 2006. Residents in long-term-care homes have had to wait until October 2006, fully two years after the government promised some legislation around long-term care, before they could get some home-wide—that is, across all homes—comprehensive protection from abuse.

Shame on the government. In the face of reading those allegations, in the face of reading the stories in the media, shame on the government, not only for delaying its bill for two years, but for doing nothing with respect to abuse during that two-year period as well when there was a very appropriate, very effective private member's bill that could have gone through second and third reading and been in place, as it has been in place in Manitoba for several years now. There is no excuse for the government having waited that long in the face of those allegations to do something about protecting seniors from abuse in long-term-care homes.

I want to reference some other recommendations from the Casa Verde report because they're also missing from this government's "No minimum standards" bill. I don't know why the government is not giving full regard to all of the recommendations that were made by the coroner's

jury, because the inquest was all about the tragic death of two residents at the hands of another in a long-term-care home and what had to be done to ensure that this would never happen again.

Let me read some of the other recommendations that have been made that the government has failed to act on, in the same way the government has failed to act on recommendations 28, 29 and 30 from the coroner's report that talk about establishing minimum standards in law for hands-on care per resident per day.

Here's recommendation 18: "(a) It is recommended that the Ministry of Long-Term Care, after appropriate consultation, review eligibility and admissions regulations and policies to ensure that individuals exhibiting or prone to aggression be assessed prior to the eligibility decision and only be placed in specialized facilities or long-term-care facilities with appropriate specialty units.

"(b) It is further recommended that if the decision is made to continue to place such individuals in long-term-care facilities, then the Ministry of Health and Long-Term Care must set standards for these facilities and units to ensure that they are sufficiently staffed with appropriate skilled regulated health care professionals who have expertise in managing these behaviours and at a staffing level that these behaviours can be managed without risk of harm to self and others. If unregulated staff are assisting the regulated health professional on these specialty units/facilities, they must be U-FIRST trained."

There are no standards in this bill for facilities and units to ensure that they are specifically staffed and that the staff on those units have the specific skills to deal with residents who can harm themselves or others. There are no standards in this bill to reflect that.

Further, recommendation 26: "That the Ministry of Health and Long-Term Care, in consultation with stakeholders, should revise the funding system presently in place for long-term-care facilities within the next fiscal year." Don't forget, this was released in April 2005. We are well beyond the year period and there's been no change in the funding formula to date.

"Any new system, such as the MDS (minimum data set) model presently being contemplated by the Ministry of Health, should be designed to ensure that the funding model is sufficient to take into account the higher skill level of staff required for residents with dementia and other mental health problems and, in particular, give sufficient weight to actual and potential aggressive behaviours to ensure adequate staffing, sufficient time and resources for long-term-care facilities if they are responsible to manage residents with such behaviours."

Here we are 18 months after the release of this report and certainly six months after the deadline that was given by the coroner's jury. We do not see a revised funding model in place for long-term-care homes, specifically for long-term-care homes that are trying to cope with behavioural issues that could be a risk for the resident himself or herself, a risk to other residents, a risk to staff, a risk to family members or a risk to anyone visiting that home. There hasn't been a change in the formula with



respect to funding for long-term-care homes, despite the recommendation from Casa Verde, and we don't see that in this legislation either. So 18 months after this has been released and six months after the deadline that the coroner's jury gave the ministry to revise the funding formula to take into account the need for additional funding for staff to support residents with dementia and residents with aggressive behavioural tendencies, nothing has changed. Nothing has changed, and nothing changes with this legislation, because there is no minimum standard set for these units or for these staff who deal with these most unfortunate residents who need extra special care. There's nothing in the bill to do that, regardless of what the coroner's jury had to say.

Not only did the coroner's jury talk about what happens in long-term-care homes right now where there may be some staff available to try to support these residents, but the coroner's jury also recognized that in far too many homes in the province there weren't the supports in place in the homes to try to support them. So they made two other recommendations, recommendation 22 and recommendation 24, about the ministry looking into the community outside of the home if it didn't have the ability to look after such residents, and for the ministry to fund specialized facilities, specialized units in the community, for aggressive behaviour as an alternative to long-term-care facilities. They said again:

"Funding for these facilities should be based on a formula that accounts for the complex, high-care needs of these residents in order that the facility be staffed by regulated health ... professionals ... who are trained in PIECES, and in sufficient numbers to care for these complex and behaviourally difficult residents." The same with recommendation number 24 that followed on that.

There's certainly nothing in this legislation about supports and facilities and care for residents or clients or individuals who have very specific, difficult aggressive behavioural tendencies. So if they can't get the supports in the home and they can't get them in the community, where do they go? What do they do? These important recommendations haven't been dealt with by the government: not in this legislation and certainly not outside the legislation.

I want to deal with something else that is missing from this legislation and something we should all be concerned with, and that has to do with medication, overmedication or the mix-up of medication for residents in long-term-care homes. I believe that many of these problems stem from understaffing in long-term-care homes and the awful predicament that staff have of trying to do all that is necessary for residents, including trying to give them their meds.

There's no doubt there is a problem. There was an article in the *Hamilton Spectator* on May 27, 2005, that talked about a resident who was given the wrong medication twice. She survived the first error. Four days later, she was given the wrong medication again. She died in hospital after that mistake had been made. But what was interesting in the article was that at that home, nurses

were responsible for giving 45 residents their medication over a period of one and a half to two hours. It's no wonder Lois Dent, president of Concerned Friends of Ontario Citizens in Care Facilities, said in this article, and I quote, "I see it as an issue of staff just being overworked or rushed." She's absolutely correct.

There was a resident of a long-term-care home in Thunder Bay who very tragically died of pneumonia in March 2006. We've had an ongoing correspondence with the daughter of this resident who first contacted us around her father and mother being separated in different homes, but secondly contacted us about several incidents of mixed-up medication. In the first case, the mother was being given someone else's medication. That was medication to treat schizophrenia. In the second case, the mother was not given medication that had been prescribed by the family physician to help her digest food or gain weight because she was a cancer patient and was undergoing chemotherapy. In the third case, she was overmedicated by the home for several months, even when the local cancer treatment centre contacted the home about this matter to raise their concerns. I again think a great deal of those three problems—for one resident, in one home—had to do with the staff being so overburdened that they could not deal in a careful and competent way with ensuring that proper medication was given to patients.

**1610**

The third has to do with the result of a study that was published in February 2005. It was reported on here in Ontario by the *Toronto Star*. It involved a study of a Connecticut nursing home and the Baycrest Centre for Geriatric Care, which of course, as you will know, is here in Ontario. What was interesting about the particular study was the results of adverse drug reactions in both of those centres. It wasn't broken down as (a) a number of incidents for this home in Connecticut, and (b) the second one at Baycrest. Unfortunately, the results were tied together. But the results in themselves were really astounding and should be a wake-up call for us with regard to overmedication and mis-medication of residents in long-term-care homes. Over an eight-month period in one home and a nine-month period in another, there were 815 adverse drug reactions between the two homes: One hundred and eighty-eight of them were classified as serious and resulted in delirium, falls resulting in fractures, bleeding requiring transfusions of the residents who were involved; 33 were life-threatening; and four were fatal. The drug reactions typically were caused by the prescribing or monitoring of drugs and failing to watch closely for side-effects to note that something was wrong.

If you look at some recent information that we got from the Ministry of Health regarding drug costs under the ODB for residents in long-term-care homes, this should set off a warning bell to everybody about the level of medication in long-term-care homes. In the fiscal year 2005-06, the average cost of medication for a resident in a long-term-care home was \$2,760—the average cost. I



know that some seniors are on very expensive medication. But that is a significant amount of money for an average cost of a single resident in a long-term-care home. We should be asking ourselves what is happening with respect to medication in long-term-care homes.

What was interesting about the very first home that I mentioned, which I think this government should take a serious look at—it's in part V of the bill, where it outlines different categories of people who have to work in a long-term-care home and their responsibilities. In that Stoney Creek nursing home, they brought in a registered nurse on a part-time basis to do an audit of the medication, an ongoing audit and monitoring of medication, that was provided to the staff because they recognized that the current staff in the home did not have the time to do that themselves. She was brought in on a part-time basis to do nothing else but audit medication and monitor medication of patients when she was in. That was a smaller home and maybe only a part-time staff person was required. But in larger homes in this province, I think we should be seriously looking at a registered nurse who does nothing else but monitor medication. I think the results of the study that was done and the mix-up of medications and the results should be a wake-up call to all of us that we need to really get this under control.

Finally, I want to just reference section 95 of the bill. I have some very major concerns about this particular section. It references who can be issued a licence. This section is really important to highlight, because in recent years there have been a significant number of homes in Ontario that have been bought out by foreign banks and by real estate income trusts. This concentration of more and more homes in the hands of a few big corporations should be of concern to all of us. It certainly should be of concern to the Ministry of Health, especially with respect to the ability of compliance officers of the Ministry of Health to get big corporations to respond to compliance issues. The section involved should be applied because it talks about what will be in the public interest, in terms of these transfers and these sales. I think that section should be applied to all pending and all recent applications for licence transfers. Indeed, maybe we need a moratorium on all pending licence transfers right now until we can do a very thorough assessment of what is the concentration of Ontario's long-term-care sector in the hands of big corporations, what is the concentration in the hands of REITs, because there's no doubt in my mind that in those homes where that is happening, it is much more difficult for compliance officers to do their job in the face of that type of ownership. I offer that up to the parliamentary assistant, who is here today, to say that we should take a very good look at that particular section of the bill and we should consider putting a moratorium in now with respect to any change of ownership and take a good, solid look at what the concentration is—public versus private, foreign versus Ontario—to see exactly what we're dealing with in this sector. I think we will all be surprised—and not pleasantly surprised.

In conclusion, let me say that New Democrats have very serious concerns about the failure of the government

to live up to its promise to fund 6,000 new dollars' worth of care for residents in Ontario long-term-care homes. We are very concerned about the government's failure to live up to its promise to have minimum standards of hands-on care per day and the government's promise—particularly the minister's promise—of having an ombudsman and the failure for that to find its way into the bill.

**The Deputy Speaker:** Questions and comments?

**Ms. Monique M. Smith (Nipissing):** I appreciate having the opportunity to respond. Unfortunately, the member from the third party has really focused on some very narrow parts of the bill and is missing the forest for the trees here today. I would like, however, to address some of the issues that she raised today.

She spoke at length about the PricewaterhouseCoopers report. Without going into too much detail, the report is based on some information from various jurisdictions that really isn't comparable. It is noted in the report itself that "a review of the data provided here yields a number of important findings.... Any evaluation of evidence should take into account at least three characteristics of the research method...." They provide some caveats: "(1) reliability and validity of the data; (2) degree to which the samples used are representative; and (3) relevance of the historical period." In fact, the data that is used in comparing different jurisdictions is in some cases five to eight years old. The reliability and validity of the data—they don't actually compare what the residents need; they compared what the residents were receiving. I'll just quote: "[T]he study focuses on the need of specific services but doesn't control for persons with serious medical co-morbidities.... this data may not be accurately available for all jurisdictions as the MDS data provides data on what services were received and not what was" needed. As well, the study is based on pilot projects and certain studies and doesn't actually look at MDS data from every jurisdiction.

But don't just take it from me. The auditor, in his 2002 report, noted, when he was referring to the PricewaterhouseCoopers study, "The report considered only the amount of care provided, not the quality of care. According to the consultants, the study's limitations included the facts that data for many of the comparative jurisdictions were gathered from three to five years earlier than the Ontario data and that 'several of the jurisdictions were required to submit the data for funding purposes, which may influence the data quality.'" Based on that, I don't think this study necessarily forms the basis for any policy decisions.

As well, my friend across the way talked about who family members could go to when they have concerns. My colleague from Stratford will—

**The Deputy Speaker:** Thank you. Questions and comments?

**Mrs. Christine Elliott (Whitby-Ajax):** I'm pleased to have the opportunity to say a few words about Bill 140, the Long-Term Care Homes Act. Unfortunately, there's not much that I'm able to say that's good about it.



Yes, it creates a residents' bill of rights and it provides whistle-blower protection for those who speak out about abusive situations, but there is so much that this bill doesn't say that was promised by this government. First of all, there's no money here for capital renewal. We're talking about many homes in this province that are really operating up to B or C grade levels. These are homes that have not been substantially renovated or that even conform only to 1972 requirements. There is a real need to bring them up to speed with modern requirements so that they are wheelchair-accessible just at a basic level, and that they have ensuite washrooms and so on. There's no money here for that.

But probably even more important, this act doesn't speak to giving the residents the higher level of care that they need and deserve. You have to remember that during the last election this government promised an additional \$6,000 of care per resident, which would translate into an extra 20 minutes a day of care for each resident. We're not talking about any fancy stuff here; we're talking about basic needs—feeding, dressing and toileting. These are basic personal care needs these residents have and deserve. Being among the most vulnerable residents in our society, surely they have the right to live, first of all, in safety and in dignity, and many of the residents of these long-term-care facilities simply are not.

To sum up the views with respect to this bill to date, I would say it's another wasted opportunity, another broken promise.

1620

**Mr. Michael Prue (Beaches–East York):** As always, it's a pleasure to listen to the member for Nickel Belt, because if there's anyone who researches a bill, if there's anyone in this Legislature who spends time to look at the intricacies of a bill, it surely has to be her.

I heard the member from across the way talking about missing some of the points, but I'm not sure the opposition's role is to look at all the good things that a government bill might have. There are certainly members across there who I'm sure will wax eloquent by the hour on what they think is absolutely important in terms of their bill, but it is the opposition's duty—I consider it a sacred duty—to look at the failings of a bill, to look at missed opportunities in a bill.

That's surely what the member from Nickel Belt has done. She has zeroed in on these standards. She has called the bill the "No minimum standards for seniors act," and quite rightly points out that there is no minimum standard set out in the bill. The 2.25 hours that was promised is singularly not here.

She points out that the government promised to put an ombudsman in place, and made that promise not just to the seniors but to the Royal Canadian Legion. The legionnaires were here in this very Legislature this afternoon to see whether or not the government is going to deliver on that promise. She showed that it is not contained within the bill.

She pointed out in section 95 of the bill who can be licensed, and the fact that in many cases this government

does not know and is not aware of who holds licences in this province and whether or not the licences per se are being enforced.

Last but not least, it is her duty and her obligation—and she did it very well—to point out that the government in the last election promised \$6,000 in additional monies for care. Certainly, the funding is not in this bill.

I want to commend the member for Nickel Belt. It is her job to look at the flaws. She evidently found them.

**Mr. Jeff Leal (Peterborough):** Indeed, the member for Nickel Belt provided some observations about Bill 140, but there are many positive aspects in that bill that people have been requesting for a number of years.

For example, when I've toured long-term-care facilities in my riding of Peterborough, they've talked about a residents' bill of rights, and that's something that's been included in this bill, a very positive thing.

When I've talked to unions in long-term-care facilities in my riding of Peterborough, something they've asked for is whistle-blower protection. Not only will there be whistle-blower protection for staff, but for residents and volunteers who report abuse and neglect. That's something that is indeed very, very important.

Over a number of years, coroners' inquests in the province of Ontario have talked about the use of restraints. Certainly, there are detailed provisions in Bill 140 to minimize the use of restraints on residents in long-term-care facilities, something that I feel is particularly important.

We've added more front-line nursing staff over the last three years and we've increased budgets by some 31%.

I also want to commend the member for Nipissing, who over the last number of years has visited many, many long-term-care facilities in the province of Ontario and has taken the opportunity to chat with staff, chat with residents, and talk to loved ones about what should be incorporated in the Long-Term Care Homes Act in Ontario.

I think it's important to take the time to provide a framework, and ultimately this bill will go out for public review to stops across the province. There will be an opportunity to put forward amendments in this bill to look after, I believe, some of our seniors and our frail elderly—

**The Deputy Speaker:** Thank you. The member for Nickel Belt, you have two minutes to respond.

**Ms. Martel:** I want to thank everybody who participated in making remarks.

I want to deal with the residents' bill of rights first. I'm always astonished when some members will just get up and read the briefing note that's put in front of them. There has been a residents' bill of rights in long-term care, in the Nursing Homes Act in particular, since 1986, and the residents' bill of rights was incorporated into all three pieces of long-term-care legislation that we amended in 1993. So a bill of rights has been in long-term-care legislation in this province since at least 1986 and in all three pieces of long-term-care legislation since



1993. That is the first point that I want to make, and yes, it is so. For the members who want to say it isn't, go back to the 1993 legislation. I read the clauses into the record last Tuesday.

I guess if you didn't want to be reminded of Liberal promises, you would try and say that I'm missing the forest for the trees. But I spent a great deal of time repeating Liberal promises because they have been broken: promises made to residents, the frail and elderly and their families during the last election, when Mr. McGuinty was out trolling for votes, don't make their way into this bill.

The first has to do with minimum standards. It was Mr. McGuinty who wrote to SEIU in June 2003 and said, "Ontario Liberals are committed to reinstating the standards of care for nursing homes that were removed by the Harris-Eves government, including 2.25 hours of nursing care daily and three baths a week." We're down to two baths—that's not even in the legislation—and there are no minimum standards anywhere in this legislation.

Let's go to the Liberal Plan for Change, the lovely leaflet that says, "We're going to invest in better nursing home care, providing an additional \$6,000 in care for every resident." The government has provided \$2,000. You're pretty short and you're in your fourth year.

Finally, the Minister of Health did promise the Legion an ombudsman. It's time he delivers on his—

**The Deputy Speaker:** Thank you. Further debate?

**Mr. John Wilkinson (Perth-Middlesex):** I am delighted to enter into the debate on Bill 140 this afternoon. I would want to preface my remarks, first, by reminding all members that our loved ones, our seniors, don't live in facilities; they live in homes. It's their home. If we keep that paramount and we always remember that, I think that's the most important thing that we can do as we go through this very important debate: how to make sure that in each and every place where our seniors live communally with others, with wonderful staff who care for them and love them, it is always and will always be their home—not the home that they would prefer, because they would rather be in their own family home, but there comes a point for many people when they need that extra care, and that's why those are provided. But it doesn't mean that they now live in a facility; it means that they have a new home, and it always has to be a home. That's what has inspired the work by my good colleague and friend the member from Nipissing, who has worked so very, very hard on this file.

I preface my remarks with the fact that just about a month ago I took up a challenge to spend a day in a long-term-care home—Spruce Lodge in Stratford—and to actually spend the day working as a support worker. I found it to be a very educational thing. I did a number of things. I spent about half an hour feeding a lady; I remember that her name was Edna. She has Alzheimer's and she has Parkinson's. It's very difficult for her to eat. She needs assistance. For about half an hour I spent time with her, making sure that she could have her morning breakfast.

I also had a good opportunity to do the laundry. I was down in the laundry room, working with the staff and looking after the—there is a tremendous volume of laundry, obviously, in a nursing care home.

I had a chance to be part of the sing-song and actually use some of my previous skills from my university days to lead the sing-song, and that was enjoyable. I also had a chance to prepare meals and then to serve meals to our friends who live there. Finally, I had a chance to sit down with the staff and talk about their concerns. They were, for example, very complimentary about the fact that our government has made investment in equipment that will help relieve some of the physical strain on our staff people as they help move residents. But that equipment itself may require some additional staff time to use it properly.

The thing that I learned is that we're moving in the right direction, but we have to work with the sector and have a good working relationship and listen to the people on the front line as well as the administrators, and particularly to the residents and their families. That is part of the work that's been inspired by this bill, the work of my good friend from Nipissing.

**1630**

I've had a great opportunity in my own riding of Perth-Middlesex to visit each and every one of our long-term-care homes. In Perth county particularly, we're very progressive, as we have worked to create the continuum-of-care concept so that our homes are not in isolation, because when people become elderly and then subsequently frail, there is a continuum of care that they need. We as a government believe that the best thing is for people to be in their traditional homes for as long as possible. We worked with our friends at the community care access centre to try to provide more of that in-home care work for them, that support that they need. I spent a day with the VON providing some of that work.

Then there are people who really can't be in their own homes, but they just need to be in a place where they're supported, supported living, so that there is someone just checking up on them, making sure that there is a call bell, making sure that they're in a community where they feel welcome. People have medical problems that all of a sudden require them to have even more care, but sometimes those people get better. So the continuum of care is, how can we move people back and forth in that continuum?

There is some progressive work that's being done in Perth county, particularly in Greenwood. That has been spread right across our county and to many parts of Ontario. I know the redevelopment they were having at Knollcrest, which is a D facility where we have a new A facility being built. I'm looking forward to breaking the ground on that facility in a few weeks' time. I want to thank the Minister of Health and Long-Term Care for granting exceptional circumstances.

I do want to talk about the fact that as I talk to families—I remember meeting specifically with the family council at Country Terrace in Komoka and deal-



ing with residents' councils. I distinctly remember dealing with many of the residents' councils in my many long-term-care homes. They were talking about the fact that we do need to improve accountability, and that's why in this act, if passed, we're going to ensure that residents know who and where to call to make their voices heard, to make a complaint.

I was in downtown Stratford having a coffee about, I think, a year ago. One of the ladies I know, an acquaintance of mine, was talking about the fact that her mother was in a nursing home within my riding, and she was very, very, very unhappy with the care that she was receiving. She was very frustrated. She didn't feel that she could go to that home and complain, fearing that perhaps there could be some consequence to her mother. I was able to tell her about the hotline, the new line that we make available through the ministry so that someone can call and complain. I can tell you that that resulted in an inspection without notice to that home, and that problem that that loving daughter identified was corrected by that home. Prior to our government, that was not there. That's why we created that.

We've done some other things that, in my opinion, need to be enshrined in legislation. That's why we have the action line that I just referenced, and I know that the new bill provides several channels which residents can use to voice their concerns or complaints, as well as to access information about long-term care. So Bill 140 outlines a comprehensive system of compliance, investigation and enforcement.

I say to my friend from Nickel Belt that Bill 140 strengthens the residents' bill of rights. I will concede the point that it was enshrined in 1993, but obviously, in our opinion—and perhaps she disagrees—it needs to be strengthened. The status quo of 1993 is not acceptable anymore in this province.

I say to the members of the opposition, I know they have their job to oppose each and every thing we do, but at the end of the day there is going to be a vote on this bill—similar to the one we had on the Clean Water Act, I might add—where you're either for it or against it. This is a bill and these are reforms that are overdue. There will always be some who think we go too far and some who think we do not go far enough. But in this place we stand in our place and we vote on the bills as written.

I know that this bill will be going to committee. There has not been a single piece of major legislation by the McGuinty government that has not been amended in committee. We don't come into this place as a government saying that, because we've introduced a bill, that's the be-all and end-all. That's why we believe in this debate and the committee system and the stakeholders within a certain area, like in this area of long-term-care homes, coming to us and giving us the benefit of their advice in the light of day. We get a lot of advice from people at meetings, behind closed doors, and there is a place for that. But this is a place where you actually have to come and be on the record, and tell everyone in this province what it is you're for or against, and make

recommendations to the government. I know that my colleague the member from Nipissing is always open to those suggestions. She may disagree, but she's always been of a keen mind and a great debater, and at the end of the day I think we can, if necessary, strengthen this bill.

I just want to talk about the bill of rights and what is actually in section 3 of the act:

"Every resident has the right to raise concerns or recommend changes in policies and services on behalf of himself or herself or others to the following persons and organizations without interference and without fear of coercion, discrimination or reprisal, whether directed at the resident or anyone else,

"i. the residents' council,

"ii. the family council,

"iii. the licensee ...

"iv. staff members,

"v. government officials,

"vi. any other person inside or outside the long-term care home."

That leads us to the complaint procedure. The proposed legislation requires home operators to ensure that there are written procedures for initiating complaints to the home; also, a procedure for how the home operator deals with the complaints under section 19. The procedures must be posted in the home, under section 77(1), and distributed to the residents upon admission, under section 76. When a complaint concerns the care of a resident or the operation of the home, the home operator must forward it to the Ministry of Health and Long-Term Care, and that's required under section 20(1). Finally, an immediate investigation is required under section 21(1) if there is a report of abuse of a resident by anyone, or neglect of a resident by the home operator or staff.

I'm glad to have entered into this debate. I will be supporting 140. But I want people to know that though there will always be some who will complain about a bill, and that is their role, we have to look at the bill in its entirety. This is a bill that is overdue. I know those of us on the government side are looking forward to supporting our friend the member from Nipissing.

**The Deputy Speaker:** Questions and comments?

**Mrs. Elliott:** I think that the needs of these residents haven't been adequately addressed here. We have people who are living in difficult situations where the standards that they're being held to by these operators are, as I've said previously, 1972 standards, which means that some of these residents are living in three- and four-bedroom residences, which I don't think, under these circumstances, you could really call a home, as much as we want to make it a home-like experience. There is a need to make sure that the more modern standards are adhered to, and that's the need for the capital program so that you can invest in these homes, improve these capital facilities and make them more home-like for people. After all, this is not somewhere these people—the residents, most of all—choose to live, but because their families are simply not able to care for them in their own homes any more, this is where they are living. So we do need to make them



as home-like as possible and provide them the dignity and safety they need.

I think that's another issue that we really haven't addressed too much here, the issue of safety around some of these residents' needs, where the staff working as hard as they do—and I know that they are working very hard. I too am going to have an opportunity this coming week, I believe on Friday, actually, to attend one of the long-term-care facilities in my own community, where I will experience first-hand what it's like to be working with the residents of these facilities. I know that they are working extremely hard, but they need more help. It will become a safety issue at some point if these residents' care needs—we're talking about basic personal care needs here—are not attended to.

**Ms. Martel:** In response to the comments made by the member from Perth-Middlesex, especially with respect to the bill of rights, I'd encourage him to do the following: Take a copy of the government's proposal with respect to the bill of rights and actually take a look at the legislation that's already in place under the Charitable Institutions Act, the Homes for the Aged and Rest Homes Act and the Nursing Homes Act, and compare the language with respect to the residents' bill of rights. I have done that, and in truth, there are minor, minor changes between what is already in the legislation in those three acts and what the government has proposed.

1640

So I was quite dismayed to see Mr. Smitherman have a letter in the Windsor Star at the end of last week talking about how the government, through this legislation, is bringing in a residents' bill of rights, as if it wasn't already in the current statutes and as if what the government is proposing isn't really a reflection of some minor amendments to what is already here. I encourage the member to actually have a read and make that comparison.

Secondly, I would encourage him, or anybody else who's going to speak on behalf of the government today, to respond to the fact that the promises that the Liberal Party made to residents of long-term-care facilities and their families in the last election are not being responded to. It couldn't be any clearer than what Mr. McGuinty had to say to SEIU, that he was going to reinstate the minimum hours of hands-on daily care that had been cancelled by the Conservatives. It doesn't appear in this bill. It's very clear that this government promised to enhance funding per resident by \$6,000. They are one third of the way to that goal in the fourth year of their government. It is very clear from the Legion members who were here and who had a press conference today that Minister Smitherman promised them an ombudsman, not a rights adviser. What's happened to those promises?

**Ms. Smith:** The member of the third party has asked for some clarification around the bill of rights, and I would just encourage her to actually look at it again. Take a look at it again, Ms. Martel, and you'll see that it has been strengthened. It was actually one of the requests from the Advocacy Centre for the Elderly, from

OANHSS, from OLTCA and from the Ontario Association of Residents' Councils. All of them recommended that we strengthen the bill of rights and that we allow for its entrenching in the legislation so that it could be complied with. What we have done through this bill is allowed a resident to enforce the residents' bill of rights against a home operator as though the resident and the home operator had entered into a contract. That's what was missing before, that's what was missing in your 1993 changes that you tout so loudly, and that's what will now allow the residents to enforce the bill of rights as it is intended to be.

What we've also found is that over the last couple of years the third most cited violation in a home when we're looking at unmet standards has been in regard to the residents' bill of rights. So hearing that, hearing that there are concerns around its enforcement and hearing our advocacy groups, as well as our worker organizations, advocating for more strength in the bill of rights, we've addressed that by not only strengthening some of the rights that are entrenched, but also strengthening the mechanism that allows the residents to enforce that bill of rights.

I also wanted to take this opportunity to address some of the other concerns that have been raised this afternoon. Many of the concerns that were raised by some of our worker organizations, I believe specifically the SEIU, are addressed in this legislation, including the request for more training, especially with respect to palliative care and dementia. That's included in the legislation. Continued support for our residents and family councils: We've entrenched in the legislation the need for residents' councils, which has been there for some time. We're also strongly encouraging family councils through the funding that we provided them, as well as the recognition in the legislation.

The worker organizations support a least-restraint policy in the legislation. You'll notice that Ms. Martel did not address that today, but it's very clearly addressed in the legislation.

**Mr. Garfield Dunlop (Simcoe North):** I'm very pleased to be able to rise today and speak on Bill 140 for just a few moments. I'm going to have an opportunity in a couple of days' time, I believe, to actually spend about 20 minutes on this particular piece of legislation, but what I really want to do in the short time I have here today is to introduce to the Legislative Assembly a really good friend and a constituent of mine who's in the members' gallery today, Mrs. Marie M. Smith. Give her a warm welcome, and I'll tell you a little bit more about this lady.

*Applause.*

**Mr. Dunlop:** Marie is the president of United Senior Citizens of Ontario. Today, she's here speaking in the committee hearings in room 151 on the seat belt legislation. Not only that, but she's a strong advocate for just the types of things we're talking about in this legislation today, Bill 140. Marie's late husband Al was a member of the city of Orillia council for 22 years. They're just



such strong people in our community. Marie is all over the province of Ontario advocating on behalf of the rights of seniors, whether it's driving, elder abuse or something like advocating on behalf of people for better long-term-care facilities in the province.

I just met Marie in the hall as she was finishing up the seat belt legislation, and I wanted to bring her down to the House and introduce her to everybody. I know we don't have the full complement of people here this afternoon, but I do want to say that it's not every day we get somebody from my riding with the type of honours that Marie carries with her to come and not only present but to be part of this today.

I can say, as we go on, that I do look forward to debating Bill 140. I know there's a lot that I can say about some of the trips I've had and some of the time I spent just this summer visiting Trillium Manor and Georgian Manor and a number of long-term-care facilities, and actually working with nurses and personal support workers and seeing the fine work they do in the province of Ontario. So ladies and gentlemen, I look forward to my time to debate this bill a little later on.

**The Deputy Speaker:** Member for Perth—Middlesex, you have two minutes to respond.

**Mr. Wilkinson:** I do want to thank my colleagues the members for Whitby—Ajax, Nickel Belt, Nipissing and also Simcoe North for entering into the debate with me this afternoon.

I do say to our friend Marie that if we'd known you were going to be here, we would have had the full House for you. Next time, you're going to have to give us a little bit more notice. But I can tell you, if you ever show up at question period, there are a lot of people in here.

I have to say to my friend from Whitby—Ajax that you're much more progressive than another member I know who used to represent that riding, whom I'm not related to, because you were saying, and I agree with you, how we really need to move from the D facilities, where we have sometimes four people sharing a bathroom, into the newer A-type facilities. As I mentioned, at Knollcrest Lodge in Milverton, they qualified for something called exceptional circumstances. Now, they've always qualified for exceptional circumstances; it's just that for eight years, when we weren't in government, there was no money for exceptional circumstances. So we're able to move forward now, particularly in our not-for-profit homes, to allow them to be in a position where they can actually do that. If we don't do that, then those homes will have to close over time and those beds will be transferred out. Particularly in a rural riding, we have great concerns about ensuring the beds that are allocated in our part of Ontario are able to stay there. So I'm glad that you're on the record about the fact that it is important we do that, and I think you and I would both agree that that's necessary for our seniors and for our loved ones.

I say to the member for Nickel Belt, I think it's overdue that we take the three acts you referenced and be able to have one act; I think that's important. I think that

there's always going to be a question for all members as to whether or not they vote in favour, and I know she's looking forward to committee on that. I also say to the member that in our situation, we are just going into the fourth year of our mandate, and I say quite honestly—I think many on our side would agree—it will take another mandate at least to make sure that we're able to get all the things done.

And I want to thank the member for Simcoe North.

**The Deputy Speaker:** Further debate?

**Mr. Norm Miller (Parry Sound—Muskoka):** It's my pleasure to speak to Bill 140, An Act respecting long-term care homes, in the 20 minutes I have available to talk on this bill.

Unfortunately, this bill is yet another broken McGuinty election promise. Of course, the promise in this case was a very clear promise that the government was going to increase funding for long-term-care homes by \$6,000 per resident. That was very clearly stated in the election campaign of 2003. They have increased funding slightly, but have not kept that promise. Unfortunately, it's having negative consequences, and I'll go through and give some examples of that in the time I have.

There has also been a sad lack of capital funding in the long-term-care area. I'd like to talk a bit about the experience that I've had in the five and a half years I've been elected as the member for Parry Sound—Muskoka.

*Interjection.*

**Mr. Miller:** It has been that long, I hate to say.

I think it was just shortly after the day I was elected, in March 2001, that I received a phone call at home—I think this was before I had an office or staff set up—from Robert J. Boyer, or Bob Boyer, as he's known. He was a past MPP for Muskoka. He finished in 1971; I'm not sure what year he started. He was very well known in the area and, of course, was a local publisher and historian. At the time he called me, though, he also happened to be a resident of the Pines long-term-care facility. He was calling me on my first day on the job to twist my arm and lobby for the fact that the Pines really was the place that should be getting the renewal in the long-term-care beds that were being rebuilt around the province at that time, because the past government did, over the course of its mandate, rebuild some 16,000 long-term-care beds and start the process of some 20,000 new long-term-care beds. So Bob Boyer called me up at home and then he sent me a long letter. I think he was nearing the age of about 90 years at that point. Certainly, he was approaching it from an interesting perspective, because he was actually a resident of the home and was talking about the great assets of the Pines long-term-care home and why it should be the place to be expanded and brought up to new, current standards. He did a pretty good job of lobbying. In fact, as the MPP for Muskoka, he was at the original opening of the Pines, and then ended up being there at the groundbreaking for the redevelopment of the Pines.

1650

Shortly after, I think within a few months of being elected, I also met with Ian Turnbull, who worked for the



district of Muskoka—long-term-care homes fell under his jurisdiction—to educate myself about the whole operation of the Pines. He explained to me that it was owned by the district of Muskoka but managed by Extendicare. They were doing a pretty good job. There was no deficit, no contribution from the district in the case of that long-term-care home. Obviously, in talking to Mr. Boyer, who was a resident at that time, people were relatively quite happy with the home itself. That was fairly early on in my time as MPP.

That same Ian Turnbull who was responsible for the long-term-care homes in the district of Muskoka has now since taken early retirement. He's a young retiree, but this past weekend I had the pleasure of being at the Muskoka Heritage Foundation, where he received the Robert J. Boyer award for something completely different. The Robert J. Boyer award was handed out by the Muskoka Heritage Foundation for all the volunteer work he has done in terms of the natural and cultural heritage of Muskoka. I can say that he's certainly a person who deserves to win that award. Off the top of my head, I can think of a few projects in recent years. He was involved with the Wall, a beautiful new project which is using photographs to create a huge mural on the side of a building in downtown Port Carling. He was one of the key people involved with that. He has been involved as one of the key people on the beautiful new Grace and Speed museum, part of the Muskoka wharf development. He was a key volunteer in putting that whole place together. I'd highly recommend to anyone who hasn't been there to drop in to Gravenhurst and Muskoka Bay and visit Grace and Speed. He was also a key person involved with the Wenonah II, especially the design of the Wenonah II, which is a replica steamship. Before that, he was involved with the fundraising on the Segwun steamship and many other activities and historical events to do with wooden boats, being a wooden boat enthusiast, including a tour each summer, which my mother always signs up for, where they go out in an old wooden boat and visit some of the homes around the lakes in Muskoka.

So that was early on in my time, my experience with Ian Turnbull and Bob Boyer and the Pines. As I say, I was pleased to see that they were successful in getting a rebuilt Pines. I was there at the opening.

You go around the riding to other spots. In the election campaign of 2001, I had the pleasure of going through Fairvern Nursing Home in Huntsville. That's a nursing home which needs some capital investment at this point, because it's an older long-term-care home. I had the pleasure of going around there with a dedicated volunteer, Vi Hipgrave. I've had the opportunity to go there and attend anniversaries and birthday parties since then.

But that's an example of where this government and this legislation are failing the residents at this time, because Fairvern is a long-term-care home which hasn't been rebuilt. It has got great people resources, great staff and people like Vi Hipgrave as a volunteer there. But the

facilities are at the point—I think they're probably the 1972 standards or before, and that's where this government needs to step up to the plate and start the next wave of rebuilding of some of those older facilities, and so far they're not doing that.

As I say, giving some examples around the riding, that's one that hasn't been done, but around the riding in the last few years, also in Huntsville, Muskoka Landing, there's a brand new facility that opened up. I've had the opportunity of being there on several occasions. I had the pleasure of being up in Powassan, which is just outside of the riding but serves east Parry Sound, for the opening of that beautiful new facility, which is very, very home-like and provides a home-like atmosphere. I've had the pleasure of being at Belvedere Heights over in Parry Sound for their opening—they did a redevelopment of the whole Belvedere Heights home. As well, over in Parry Sound I've had an opportunity to tour the Lakeland Long-Term Care home, which is actually part of the new Parry Sound hospital.

More recently, this summer on a few occasions I also toured Leisureworld in Gravenhurst and I met with Roxane Hoyle, who is the activity director at Leisureworld. She was pointing out to me how, at places like Leisureworld, they need more funding to be able to provide nursing care, but in her case she's the activity director and really could do with more funding to be able to provide those sorts of activities to stimulate and give a greater quality of life for those residents at Leisureworld. She does a great job. I was there on the Thursday before Canada Day this past summer. Tony Clement was there with me, and we cut the cake a day early and visited with residents of Leisureworld. They have an area connected to it with assisted living. I was able to visit a long-time friend, Alan Moses, on that particular day as well.

This broken promise, this \$6,000 per resident that was committed to by the government in the last election, is very much affecting real people in real communities. I'd like to note, in the Parry Sound area, a resolution I received from the township of Carling which highlights that. I'll read that. It says,

"Whereas the board of management of Belvedere Heights Home for the Aged has calculated the individual municipal levies required to finance the 2006 operating budget that has increased by 6.5% over 2005; and

"Whereas the municipal levies requested by the board have actually increased between 55% and 70% because of inadequate provincial funding that has failed to keep pace with the actual costs for food, accommodation and nursing care and does not take into account the costs of implementing new personal care standards introduced in the last two years"—so the government introduced standards, but unfortunately the funding didn't go along to put those standards into effect;

"Now therefore be it resolved that the Belvedere Heights board of management be requested to arrange an area meeting with municipal councils as soon as possible to answer questions about the 2006 budget and its significant impact on the supporting municipalities and to



report on their budget discussions with the provincial MPP;

"That the board of management be requested to provide full budget information packages that include comprehensive information about spending levels and revenue levels on a year-over-year basis to assist municipalities to get a clear understanding of the relationship between costs and provincial funding; and

"That this resolution be forwarded to all supporting municipalities and to the Honourable George Smitherman, Minister of Health and Long-Term Care, and to Norm Miller, MPP for Parry Sound-Muskoka."

I also received a letter from Belvedere Heights, from Bob Drummond, who is the board chair, that demonstrates how this broken promise directly affects individuals and, in this case, the Belvedere Heights long-term-care home. In the letter he says, "Because of ongoing pressures to increase services without the requisite funding, however, Belvedere's budget increased \$365,868, or 6.5% more than the amount budgeted in 2005. Some of the major budget costs increases anticipated are"—and he goes through a number of them. "There was no increase to the municipal levy in 2005. However, we ended the year with a deficit of \$211,000, which was covered by and has depleted our operating reserves." So now they're in a difficult situation: They have no reserve for another year.

"Some of the reasons for the deficit include nursing and personal care over \$55,000 relating to a new 2005 ministry personal care standard for bathing." So the provincial government passed the standard but didn't give the funding to go along with it. "Raw food, \$14,000; legal fees, \$38,000; a shortfall of \$90,000 in revenue anticipated but not received from the Ministry of Health."

He goes on to say, "Recent newspaper articles, such as the North Bay Nugget and Peterborough Examiner, are examples of other communities where ministry funding is not keeping pace with operating long-term-care facilities, especially at the resident care level." So it affects care of individuals. "In Belvedere Heights, for example, our projected 2006 costs for the direct and administration costs of nursing care to the residents, including the cost of medical supplies, continence supplies and services such as laboratory and medical fees, are \$78.58 per resident per day. We anticipate receiving \$67.18 per resident per day from the Ministry of Health." Well, that's obviously a problem. "This is a shortfall of \$11.40 per resident per day, or a total of \$420,261. The 2006 Belvedere cost forecast for raw food and dietary supplements is \$6.65 per resident per day"—frankly, I'm amazed that they're able to do it at that cost—"and the Ministry of Health allows us \$5.40. This is a shortfall of \$1.25 per resident per day, or a total of \$46,000 over the year." Obviously, for \$5.40 they aren't able to provide food at that cost, and I would expect they aren't able to provide the quality of food that they would like to.

Belvedere and the Pines, I might add, have old buildings that are sitting empty. They have plans, especially in

Belvedere's case in the Parry Sound area, where they would love to make them into some sort of assisted living type of arrangement. I know that in the Parry Sound area there is a huge shortage of affordable housing, and that would be a natural fit with the new Belvedere long-term-care home. People could move into that, much as is the case down in Gravenhurst, in Leisureworld.

So I went up and met with the Belvedere Heights board of directors on March 24, 2006—with David Bradshaw, Lorne Campbell, Rita McWhirter, Nancy Adams and Fern Harris—and the Belvedere Heights management team, where they expressed their concerns with the finances of Belvedere Heights. I had also been to Leisureworld and received petitions to do with long-term-care funding in particular. They're looking at getting more funding so they can spend more time and do a better job with the residents of the long-term-care facility. So I have on numerous occasions, including March and April 2006, presented petitions on long-term-care funding, which are on the record, from virtually all the areas of Parry Sound-Muskoka.

There's an article on this specific bill in the recent October 13, 2006, edition of the Almaguin Forester. The manager of Eastholme, Steve Piekarski, sees some positive things, as we in the opposition do, in joining the three acts together; there are some positive aspects to the bill. However, one of his biggest concerns is funding. I'll quote from the article:

"However, he added that 'there are a number of issues, such as funding'"—and that's pretty important—"that are not addressed in the act and that I only hope will be reflected in the regulations." Well, that's a big hope.

"On October 3 the Ontario government introduced the Long-Term Care Homes Act for first reading. Included in the proposed legislation is the promotion of zero tolerance of abuse and neglect of care home residents; whistle-blowing protection for staff, residents and volunteers who report abuse or neglect; mandated 24-hour, seven-day-a-week registered nursing care; restrictive use of restraints to 'only when necessary'; and allowing couples to live together in the same long-term care home....

"Eastholme has already implemented most of the act's highlighted improvements, 'but the act is also pushing for compliance with standards and regulations that involve additional human resources'"—there's the funding crunch—"said Piekarski. 'The human resources to meet these new expectations costs money. Where's the money coming from to help out with that, that's my question?'

"Last spring the 14 Almaguin municipalities that contribute to Eastholme sent the government motions of council requesting an increase in funding for long-term-care homes. While funding was not addressed in the new act, nor reflected in the last Ontario budget, it was promised by the Liberals in the 2003 election campaign with a pledge of increasing funding to \$6,000 per year per resident.

"Speaking at the Eastholme annual meeting last March, Piekarski told municipal representatives that 'for



the 2006 budget we were able to break even with a 3% levy increase,' but added, 'we're looking for support from the municipalities for a much-needed lobbying campaign or we could be looking at a 30% levy increase next year.'" That's something our local municipalities can't afford.

"The supporting Eastholme municipalities of Kearney, Magnetawan, Armour, Perry, Ryerson, Burk's Falls, Sundridge, Strong, Joly, South River, Machar, Powassan, Nipissing and Callander contributed a total of \$413,000 to the facility's \$6,829,400 budget this year through a levy based on assessment....

"While the promised increase in funding isn't in the act, it can be addressed in the regulations,' said Piekarski. 'It's up to the government of the day to ratify a year by year increase in funding, and to ensure that the amount of the financial contribution is known before our budgets are set.'

"He also has concerns that the issue of funding from unincorporated townships was not mentioned in the proposed legislation....

"Currently Eastholme, which serves the Parry Sound district, has eight non-contributing townships, Hardy, Laurier, Lount, McConkey, Mills, Patterson, Pringle and Wilson. 'We had more unorganized areas in the past, but some have been incorporated....'"

That's another unique northern situation, where the unincorporated territories are not thought of.

"Piekarski anticipates there will be 'several meetings over the next few weeks with other facility management and our association to review the act and get all the feedback. This was only the first reading and hopefully some changes will be looked at before it proceeds to legislation,' he said.

"Despite Piekarski's concerns over funding and the increasing need for more human resources to meet the new act's requirements, concerns shared by other long-term-care administrators and staff across the province, Minister of Health and Long-Term Care George Smitherman said he was 'very, very confident that the legislation and expectations that we put in place are appropriate to the capacities of the system....'"

Mr. Speaker, I'm just about running out of time, and unfortunately I'm going to miss a few other points I wanted to make, including the fact that we're seeing other people in long-term-care facilities, like people from the Huronia Regional Centre. I have an example of people with developmental disabilities taking up long-term-care facility beds who really shouldn't be there, because the government hasn't come through in building the other necessary types of homes.

Unfortunately, I'm running out of time. I'll have to add my other comments in various hits.

**The Deputy Speaker:** Questions and comments?

**Ms. Martel:** In response to the comments made by the member from Parry Sound-Muskoka, I think it's worth reinforcing just how difficult a situation it is becoming for a number of operators, particularly in the not-for-profit sector, to make ends meet.

One of the analyses that has been done on this particular bill and that I assume has been shared with a number of people is a briefing note done by the Ontario Association of Non-Profit Homes and Services for Seniors. I said earlier that they operate about 26,000 beds in the province. They advocate on behalf of not-for-profit homes in the province.

They said on page 2 of their brief, "The biggest challenge our members face is the chronic underfunding of this sector by successive governments, and the current government's failure thus far to fulfill its \$6,000 promise for direct care and services made during the last election campaign. Complying with the additional regulatory and administrative burden imposed by Bill 140 will exacerbate the funding challenges we already face. Accordingly, we are very disappointed that the government has evidently not accepted our long-standing recommendation to entrench in the legislation a commitment to adequate, secure, multi-year funding."

That was a very specific recommendation that was made by them during the consultations that doesn't find its way into the bill. As they say, what is in the bill is going to make life even more difficult for not-for-profit homes as they try to find the funds necessary to respond to the needs that are there.

It is very clear that the government did make this as an election promise. In the leaflet it says, "Invest in better nursing home care, providing an additional \$6,000 in care for every resident." It's also very clear that after the last budget in March of this year, the government was only one third of the way to meeting that election promise. OANHSS said clearly that they were very disappointed and very frustrated, with the province's recording higher-than-anticipated tax revenues, that the government couldn't make good on this commitment. It was clearly an election promise that was made and it clearly didn't find its way into this bill.

1710

**Hon. Jim Watson (Minister of Health Promotion):**

I'm very pleased to speak on this bill. My riding of Ottawa West-Nepean has one of the largest numbers of senior citizens per capita in all of the province. It's something I'm very proud of. We have some wonderful long-term-care homes, places like the Starwood facility and Villa Marconi, which serve our community so well. That's why I'm so pleased to be supporting Bill 140.

I want to thank Monique Smith for visiting my riding and talking to the parents, residents, administrators and volunteers. She did an excellent piece of work. It's one of the first times a government has gone out on a listening tour, a fact-finding tour, and put together an excellent report, which has culminated today in Bill 140.

I spoke on the weekend to the Older Adult Centres' Association of Ontario. They're having their annual general meeting in Ottawa. I told them the fact that it is not required by law that a nurse be in a home 24 hours a day, seven days a week. This bill deals with that particular request. It's also entrenching in legislation the residents' bill of rights, promoting zero tolerance of



abuse and neglect of long-term-care home residents, and providing whistle-blower legislation for staff, residents and volunteers who report neglect and abuse. This kind of activity should not be going on and, if it does, it should be stopped immediately and there should be protection given to those people who blow the whistle.

I'm very proud of this legislation. I look forward to input from individuals around the province, particularly in my riding. We have some wonderful facilities that deal with seniors: the Nepean Community Resource Centre for seniors; the Olde Forge centre—Barb Lajeunesse and Mike Mason and the work that they do; the Good Companions centre. They're all working towards improving the lot in life of our senior citizens. This bill is going to have my support.

**Mr. Dunlop:** I'm very pleased to be able to rise and make a few comments on my colleague the member from Parry Sound—Muskoka's 20-minute comments here this afternoon.

As I said a little earlier, I'll be speaking to this bill myself, probably not today but on another day. However, I wanted to put on the record the fact that I have been to long-term-care facilities a couple of times this summer, where I actually spent the time working with the personal support workers and dieticians. One of the things that I find bothers me about this legislation is the fact that it almost makes you feel that the homes aren't being operated properly. In the riding that I represent, I'm thinking of two homes in particular that I've been at a number of times, the two homes operated by the county of Simcoe: the Georgian Manor in the town of Penetanguishene and the Trillium Manor in the city of Orillia. Not for a long time, but for a few hours at each of the facilities, I worked with and visited a lot of the residents. The one thing that impressed me more than anything was the quality of care and the amount of time that each of the personal support workers put into their job. Particularly in most of these cases, it meant using lifts to get them in and out of the beds. I can't tell you how much time they actually spent, but in the course of a day a lot of time was used up by these people, who cared very dearly for those folks.

I will get a chance a little later on to speak on this bill, but I do appreciate the opportunity to respond to Mr. Miller's comments.

**Mr. Prue:** It's a pleasure to stand and respond to the member for Parry Sound—Muskoka. I listened with some considerable interest, although I did wonder, I have to admit: For about the first 10 minutes, this was more a travelogue and interesting people in his riding than an actual discussion of the bill. But towards the end of the debate he finally got around to the real issue to him, and he made a very poignant and good case, highlighting just how it affects Leisureworld and the operator or manager. The name is Mr. Piekarski. I hope I'm pronouncing it right.

It all came down to a matter of money. If I could say anything to the government members, the member from Parry Sound—Muskoka has it right: There is a certain finite amount of money in this province, but the govern-

ment has to determine where the money is being spent. If you promise \$6,000 for frail elderly people to improve their care, then most Ontarians expect that you will make good on that promise. They will expect that you make good on that promise perhaps before you make good on many other promises that you have made and failed to keep. If there is one group and body in this province that deserves our universal respect, and for whom we are trying to do everything we can, it is our frail and our elderly. Mr. Piekarski said that you promised \$6,000 and it has not yet appeared. Mr. Piekarski holds out hope that it's going to be found within the body of the regulations. But I would think it behooves the government, if that is your intent, to find it within the body of the regulations and/or to include it in the next budget, to make your position known. If that money is forthcoming, I'm sure that much of the comment and criticism of this bill will dissipate.

**The Deputy Speaker:** The member for Parry Sound—Muskoka, you have two minutes to respond.

**Mr. Miller:** I would like to thank the Minister of Health Promotion, the member from Simcoe North, the member from Nickel Belt and the member from Beaches—East York for making comments.

As I ran out of time, I was talking about the problem where people who really shouldn't necessarily be in a long-term-care home are ending up there. I would like to quote from the October 18 Toronto Star to do with people with developmental disabilities ending up in long-term-care homes, like those people from the Huronia Regional Centre. I know the member from Simcoe North has been a strong proponent of keeping the Huronia Regional Centre open. This article states:

"But no one could have predicted that under a Liberal government, people with developmental disabilities might actually end up worse off.

"Tragically, that may well now be the case, as the government moves 18 residents of the government-run Huronia Regional Centre into a for-profit nursing home in Orillia. Nursing homes were where, your readers may recall, the Minister of Health promised a 'revolution' in long-term care reform—one that many critics say has never materialized." That was October 18, 2006.

As the member from Beaches—East York stated, it does come down to dollars and cents and how you allocate those dollars and cents. We've seen that this government has decided that it makes sense to spend millions and millions of dollars taking the "C" off the Ontario Lottery and Gaming Corp. logo and redesigning the logo of the trillium. So now it's either the three men in a tub or it's the poison ivy trillium for a cost of \$219,000, plus the millions to change that, and of course the millions they've been spending on partisan ads. It's funny how all those road signs are now Liberal red when you see a new road being built. That's what they're spending their money on, instead of keeping the \$6,000 per resident commitment they made in the last election.

**The Deputy Speaker:** Further debate?

**Mr. Prue:** It's an honour and a privilege to weigh in to this debate. The bill itself: I've heard every single



member of the government stand up and laud this bill. I think perhaps no one did it quite as succinctly as the Minister of Health Promotion, who in his two minutes did not talk about the subject of the debate or do a question and comment on the previous speaker, but in fact used it to talk about what was contained within the body of the bill. I do know that the member for Nipissing has worked long and hard on this bill, and she is to be commended for the number of hours she has put into it. I don't think anyone on this side of the House or on that side will take that away from her.

There are, as in all bills, good things inside the body of the bill. Even though I am in opposition—and I'm going to get to the bad things later—I do want to talk to you a little bit, for a few minutes, about some of what I consider to be good aspects of this bill, because there are some.

1720

First and foremost are the provisions around whistle-blowers. I was myself, as many people here know, a federal civil servant for some 20 years before getting actively involved in politics. There were many things that were wrong inside the federal bureaucracy where, from time to time, someone would come forward and blow the whistle. Someone would come forward and show how a government program was being mismanaged, they would show where money was being wasted or they would show where individuals were being abused, either in person or by the process. All they got, in every single case that I can remember, was fired. That's all that happened to every single one of them who came forward and did this.

So I welcome a bill such as this that has whistleblower protection. I particularly welcome it because in far too many cases—and it's unfortunate—people, who are in long-term-care facilities or homes or whatever you want to call them, often have no family or relatives or friends who are close enough to them on a day-to-day basis to notice when things are going wrong. The only people who can notice when someone is the subject of abuse, the only person who can know when someone is the subject of neglect, and the only person who can often do anything about it, is the staff who work in those homes. They are there literally 24 hours a day. They are there to dress and to bathe and to feed; they are there to provide companionship; they are there to talk to the lonely; they are there to provide any and all manner of exercise and recreation; and they are the ones, quite often and quite fully—and I say this with true knowledge—who often know the residents best.

Many of them are vulnerable people themselves. Many are new immigrants. Almost all are women. They work for what one could consider low wages. They are fearful of losing that job. They require and need whistle-blowing protection to speak out on behalf of our frail and elderly. Anything contained within the bill that does that, anything I can do to strengthen those provisions, I will agree to, because in the end, we owe everyone who works in those homes and we owe everyone who is part of those homes an absolute iron-clad guarantee that if

they come forward in good faith to make a statement about abuse or anything that is happening in the home that is untoward, any government monies that are being misappropriated, anything else, they will not find themselves on the street, impecunious and without a job. We need to make sure that that is there, and I am content.

The bill of rights has been another thing that's been bandied about across this floor. I don't know whether it's a huge accomplishment of this government. I'm glad there is a bill of rights there, but I don't know whether it is a huge accomplishment inasmuch as it has existed for some 10 or 12 years prior to this in any event, and going back to the 1980s in its original form.

A 24-hour nurse—a good idea. I can't say anything more than that. There should be a nurse or a doctor on duty at all times in those homes. People have multiple medical problems and require somebody with medical training who can deliver it, and they should be there.

A residents' council—another good idea. The unannounced annual inspections—I'm glad we're going unannounced, but an annual inspection I would think is not often enough in some of the cases. From the abuse we have seen in some of the cases with the very poor food and the very poor facilities, it should be more often than that.

Last but not least is restricting restraints. As the member from Beaches–East York, I remember only too well when this Legislature passed that legislation put forward by my predecessor so that people would not be restrained in hospitals, would not be restrained in old-age homes, in nursing homes or anywhere else. It was a singularly important private member's bill that was brought forward, and I'm glad to see that it is, in part, being incorporated into this act.

I've just spent my first five minutes telling you what some of the good things are, and I want to spend some of them on how you can improve the act, because that is my job in the opposition. Oftentimes government members don't appreciate it, but that's what I'm supposed to do, is point out where you can make it better, where there are some flaws.

Now, in terms of seniors' homes themselves, we have to start from the proposition—and everybody has to understand—that the people who live there are frail and elderly.

It has changed a great deal in the last 20 years. I do know, when I was first elected, going into the seniors' homes in East York, that the people who lived in those homes generally were capable of doing a great many things. They were capable of feeding themselves; they were capable of attending the bingo games and going to the monthly dance. They watched TV, had conversations and a whole bunch of stuff.

Over 20 years, we started to notice that the homes became more and more with people who had some incapacity mentally. Whether it was Alzheimer's, whether it was senility, whether they were unable to feed or to dress themselves, you noticed that the whole quality of peoples' lives who lived in those homes changed radically. It is in part because, I think, as people we are



living longer and the advances in medicine have done everything capable to keep bodies alive, and sadly have not been able to keep up with keeping minds alive. So those who are there now are extremely frail and extremely elderly.

I want to take my hat off to those dedicated staff who work there, because they work in very trying conditions, often for very little money. I want to take my hat off to the volunteers who work in these homes, because they do it for nothing and often out of the goodness of their heart. What surprised me at first, but no longer does, is that the majority of volunteers in the homes for the aged are aged themselves. The majority of them are in their seventies and eighties. That's who goes in to look after the frail and elderly. That's the reality, so I thank them for what they do as well.

The overwhelming sense I get from going to these homes—and I go to them quite often, just as all members, I'm sure, do—is the overwhelming poverty of the place. It is not a poverty that one would think you would see in the slums of some place in Ontario or in the Third World. It's not that kind of poverty, but it is the poverty of never seeming to be enough, the poverty of having to provide meals on five dollars a day so that the blandness of the food seems to perpetuate, so that the residents, when you ask them, "How is the food?" often complain that there isn't enough variety. They don't remember the last time they might have had a favourite food, things that are expensive, like fish or steak. They don't remember those days because, quite frankly, they haven't had it in a long time.

You think about the poverty sometimes at the B and C facilities, of the aged furnishings that haven't been replaced, oftentimes because there's no money at all and sometimes because they're going to be torn down and there's no sense in wasting. But it is the poverty of looking at these aged furnishings; it is the poverty of the lack of bathing of some of the residents who are incontinent and who need, quite frankly, to be bathed as many as seven times a week, and are subjected to only having it once, and now, I guess, under this legislation, twice. It is the poverty of the lack of activities and exercise. Although you look up on the board and there's a sing-song once a week, there's very little exercise and activities to keep their minds focused and sharp. Quite frankly, they don't get nearly enough.

This government promised to spend \$6,000 on all of that. I laud the spending of \$6,000; I hoped you would do it. The fact that you have not is something that I must point out and something that you must recognize yourselves. You promised to spend \$6,000; you're spending \$2,000. You're one third of the way there if you want to see the good side, but you're two thirds of the way behind if you want to look at it the other way. The two thirds is bigger than one third, so I'm wondering where the \$4,000 is. I'm wondering why this government has not seen fit to find \$4,000 per resident, as you promised to do.

I know and you know and we all know that there are many competing claims to that money. You can spend

that money building a subway to York University, which is a good idea; you can spend that money on roads; you can spend that money in the municipalities or on a bridge; you can spend that money in the schools; you can spend it in many, many places. But this government, I believe, has missed the boat when you've decided not to spend it on our frail and elderly. These are people who have, quite literally, no other champions save and except us. They have no one else to speak for them save and except the people who work there.

1730

We need, as a society, to say that we are obliged to all of them who are there. They are, after all, our parents, our grandparents, our uncles. They are, after all, in many cases, veterans who fought for us in times of war. They are people who deserve more than what we are giving them. So I am saying quite frankly to this government: If you have the money—even if you don't have it—take it from somewhere else. You promised \$6,000, and it is my duty, as a member of the opposition, to make sure that you find it.

I want to talk about the meal allowance. I've already touched on that briefly. It's \$5.46 a day that is spent on food in these facilities. This is a paltry amount of money. It's not very much. I would question whether any member opposite spends \$5.46 a day on food for themselves. I don't think you do. I wouldn't be surprised if you spent \$5.46 worth of food for breakfast, because that's literally what people eat—that's about the amount, or on coffees in a day, or whatever else you buy. What disturbs me most is that this year in the budget you increased that amount by 12 cents. That's how much it went up: 12 cents. Think about what 12 cents buys. Think about what you added to their life in terms of food. That's one sixth or one seventh of a can of tuna. A forkful: That's how much that is. It's about one third of an ounce of chicken. It's—I don't know; a carrot? I guess you can get a carrot for 12 cents. That's how much this is buying. That's how much you've increased the food allowance, and I have to tell you, you can do better. You should be doing better. You should not expect these people who are frail and elderly to exist on this amount of money and you should not be satisfied with last year's budget of 12 cents.

You should not be satisfied on the hottest days, when the people who are inside those homes and cannot get out have no air conditioning. We tell people throughout the city to go to cooling places. We tell them that they can go into the civic centres; they should go to the malls; if they can afford it, they should go to the show. They should go anywhere they can possibly go to cool down. But what can we say to the frail and elderly who are inside those homes and who cannot be transported and oftentimes have bracelets on because they wander and can't get out? We should make sure that every single home, even if it is not entirely air-conditioned, at least has some aspect to it where there's a cooling centre where the people can congregate and where they do not succumb to heat stroke, because oftentimes that's something that kills more frail and elderly than anyone else.



I want to deal, for a minute, with the Royal Canadian Legion, of which I am a very proud member—not a member because I was ever a soldier, but a member because my father was. They do amazing good work. It isn't just November 11 for me when I deal with the Royal Canadian Legion; it's quite literally every day of the year. It's because of what they do as an organization. It's because they continue to go out to the seniors' homes and to visit veterans who might otherwise have no one to be with them. It's because they go and bring comfort and joy to those veterans and to many, many people. It's because they raise funds, through the poppy campaign and other things, to make sure that our aged are properly looked after. They visit the sick and they conduct a complete education program for young people at all times so that people will understand the purpose that they have, what they've done in the past, and what they continue to do now.

They have a motto, and it's a motto I think we should all know: "They served till death. Why not we?" They look upon people who served in the wars, who died in those wars, that they served until the time that they died, and legionnaires believe that they should do the same. A promise was made to them back last March. I heard what happened here today and the exchange and who was saying what. But I have to tell you that I am not satisfied, I do not believe the members of the Royal Canadian Legion are satisfied, nor do I believe the government members opposite ought to be satisfied with the answer that came out. The answer, quite frankly, was not right. The Royal Canadian Legion believes that they were promised, back last March, that there would be an ombudsman. We have an obligation to ensure that that happens. It is not enough for us as members of this Legislature to stand up and to praise the Royal Canadian Legion at historical events or on November 11. We need to live with them, we need to support them, the brave men and women who gave their lives and came back and have given so much more to our country since then. And if all it takes is a simple thing like an ombudsman, then I think we should do it. I think we have an obligation to do it. I don't know how much that's going to cost the government. But to me, the cost to all those who want to support the Royal Canadian Legion, who want to support their efforts in looking after the frail and elderly, particularly those who fought in times of war and are now in homes—we need to spend it and we need to honour that obligation. So I'm looking forward to seeing that in the legislation as well and I'm looking forward to seeing that kind of discussion in committee.

There's a bit going on here about privatization, which bothers me a little—more than a little, I should say. It bothers me because it is continuing and it is increasing at a rapid pace. More and more facilities are privately owned and privately operated. I am not convinced, in the final analysis, that it is better, and I'm not convinced, in the final analysis, even that it's cheaper. What is happening is that these private institutions, these private for-profit agencies, are making money. It's not against the law and it's not even immoral to make money, but you

have to know that that is the reason they exist. They do not go back to their shareholders and say, "We're not making any money this year, but all of the residents are very happy." That's not going to work with the shareholders. It doesn't happen. They need to see a certain return on the money, and in most businesses it's 8%, 10%, 12%, which is considered to be a valid return on the monies invested.

When that 8%, 10%, 12% is returned to the investors, as surely it must be, you have to know that the 8%, 10% or 12% is coming from two or three sources. First of all, it's coming from employees who are made to work in non-unionized conditions and work for less. It's coming from the cutting back of services. The services can be food, the services can be recreation, the services can be any number of things, in order to skim off that amount of money. Or in the end it's coming off equipment, so that substandard equipment or cheaper furnishings or whatever else are used. That's where it comes from, let's make no bones about it. I think our seniors deserve the best, and if we can give them 8%, 10% or 12% more by putting it into non-profit, that's where this government should be looking.

In the end, it comes down to the promises. You promised 2.25 hours and three baths a week, and there's no mention in this legislation. You promised \$6,000, and you've delivered \$2,000. You promised to hold the line on nursing home fees, and you've raised them \$400. You promised an ombudsman, and quite sadly, I didn't hear that that was going to happen today.

We are waiting for this to go to committee. I trust it will go to committee, because I've heard indications that all important bills go to committee by way of this government. We are looking for some real answers. There are good things in this legislation—I started off with them—but in the end there are some real answers needed about the money, about where it's coming from, about privatization, about your commitment to the Royal Canadian Legion and the promises you made, and most especially about how you're going to make life better for our frail and elderly.

**The Deputy Speaker:** Questions and comments?

**Ms. Smith:** I'd like to thank the member for his comments today. I have a few things I just wanted to straighten out from some of the comments that he made. I appreciate the nice things you said about my work. However, I did want to say that with respect to annual inspections, it's at least one unannounced annual inspection a year. If there's need for more, the inspectors go back in, and most often they go in for follow-up inspections after their first inspection if they find any unmet needs. Obviously, if there's any concern or complaint raised through the 1-800 number or to the director of long-term care, an inspector goes in and does an inspection when there are serious complaints.

1740

With respect to the member's observations around food, I would just note that the menus now are approved by a dietician, and that's a regulation that we've implemented since we came into office. If you go into any



long-term-care home, you can usually see the menus posted for the entire week. You'll see a variety of foods and a lot of good, lovely-sounding menus. I just picked up two from Leisureworld in North Bay and Eastholme and Cassellholme where Mr. Pierkarski works, which is actually in my riding, and certainly the people there are being treated well and receiving good, quality food. In fact, what we're spending on actual food, preparation and delivery is \$18.10 per day. The \$5 amount that the member referenced is for raw food only per resident per day.

You spoke about baths and the minimum bathing standard. What we've implemented is a minimum standard of two baths per week, whereas there was no standard at all because the previous government had removed that standard. Of course, if a resident requires more baths, it's up to the front-line workers to determine that. That's one of the reasons why we are not implementing a minimum standard of care, because some residents require far more care than a minimum standard while some don't actually require the number that members suggested in the past.

You talked about the lack of activities. We have activity coordinators that we've been supporting and encouraging. We've actually funded, through the ministry, a best practices manual that the activities coordinators of Ontario are preparing to share with those all across the province.

**Mrs. Elliott:** I'd like to expand briefly on several of the comments that were made by my colleague the member from Parry Sound-Muskoka with respect to one point in particular, because I think it's important, and that is the issue that there are some clients from some of the regional centres who are Community Living clients, people with developmental disabilities, who are being moved into long-term-care facilities as a result of some of the decisions that have been made by this government.

This is not an appropriate placement for these clients. Many of these clients have lived in their parental home throughout their lives and now they are being told, because the parents are becoming ill and not able to take care of the children in the home any more—they're adults now—they're being moved into long-term-care homes. The parents, quite frankly—and I've heard from many of them in my community office—are absolutely terrified at this prospect, because they know that their children are not going to receive the life skills training that they need. They're going to have no social or recreational opportunities. They're simply going to be warehoused in a facility that's really not meant for them and they're just being stuck there. This has the effect, of course, of not creating spaces for people who legitimately should be there, which then backs up into the hospital system because there's no placement for the long-term-care beds.

I would submit that this has an impact on the entire realm and spectrum of health care funding and facility planning and simply indicates that this government doesn't have a vision for the future. This is having a negative impact not just on the residents of long-term-care homes but also clients with developmental dis-

abilities and also people in acute-care facilities and shows further problems with this particular piece of legislation.

**The Deputy Speaker:** I'm just going to make a friendly reminder to members that questions and comments are provided to question and/or comment on the speaker who just had the floor. It was made fairly obvious just now that that was referring to another speaker's comments. So just keep that in mind, please.

**Ms. Martel:** In response to the comments made by the member from Beaches-East York, he spoke about residents' councils. Perhaps he didn't know, but I'll put on the record that that provision was already allowed for in legislation passed in 1993. So the establishment of residents' councils or the ability to do that goes back more than 10 years. That's nothing new in this bill.

Secondly, with respect to the residents' bill of rights, it's interesting how the various views on this have changed from last week to this. Last week, I challenged the government when they said this bill was going to entrench the bill of rights. Of course, it's already been in place since 1993, so that's not correct.

Earlier, we heard that the difference between the government's bill of rights and what's currently in place now is that now there's going to be a deemed contract that's going to be enforceable. Isn't it interesting that when you go to the Nursing Homes Act that's in place right now in the province of Ontario, under subsection 2(4) it talks about a "deemed contract." "A licensee of a nursing home shall be deemed to have entered into a contract with each resident of the home, agreeing to respect and promote the rights of the resident set out in subsection (2)." Lo and behold, subsection (2) is a residents' bill of rights. So there already is a provision for the residents' bill of rights to be a deemed contract in the current legislation, and that's not new either.

The member talked about what is available and what isn't available in long-term-care homes, and he is quite right. There might be a lot of titles for people who are supposed to do a lot of things, but the fact of the matter is that with respect to staffing, too many of those activities are not being able to be undertaken, not because the staff don't want to do that; there just isn't enough staff to do the work. That's why it's absolutely imperative to have a minimum staffing level of hands-on care per resident per day. You absolutely have to have a bottom line with respect to what each resident can expect to receive in terms of care. That's what the Liberals promised. They thought that was okay in 2003. Look what's happened since then.

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for francophone affairs):** First of all, I wanted to congratulate the member from Nipissing for the extraordinary work that she did on that file. I hear it in my community. The name of Monique Smith is very well-known in the long-term-care community. Thank you very much.

I believe that this bill is welcome in the community. We have been waiting for that for quite a long time, because these seniors who are in a long-term-care facility



need to have the security and the good care that they deserve.

I wanted to take this opportunity to correct something that the member from Whitby–Ajax said: that those people who are leaving our facilities, those people with developmental disabilities, are going into long-term care. I would say to you that these individuals have the same rights as any other Ontarians. So far there have been three persons who have moved from these facilities into a long-term-care residence. So what you have read in some paper, that 18 people left one of these residences and are now in a long-term facility, is incorrect. So I wanted to correct the record.

Coming back to this Bill 140: I'm very pleased, because my background—at one point in my life I was a nurse. I visited these facilities quite often—

**The Deputy Speaker:** Thank you. The member for Beaches–East York, you have two minutes to respond.

**Mr. Prue:** I don't know how to respond to two of the members, so I'll just start with those two, the member from Whitby–Ajax and the—

**Mr. John O'Toole (Durham):** That is so unkind.

**Mr. Prue:** —no, I'm not being unkind—and the Minister of Community and Social Services. This is a Q&C section, which I understood was always to be to talk about what the person who had just had the floor who was in debate had said, to either comment positively or negatively or to add something to what was said. In both of these two cases, it completely missed the mark, because both of them spoke about absolutely not one word or one issue that I had raised. So I don't know how to deal with them or to thank them, but I thank them for being part of the debate, although they really were not.

To the member from Nipissing and to the member from Nickel Belt, I thank you for your comments and for listening to what I had to say and for providing positive feedback. To the member from Nipissing: Quite frankly, yes, I know that there are costs associated with the cooking and preparation of food which are not contained within the \$5.42. It is the raw food amount that worries me. It is the raw food amount of \$5.42 and the increase of 12 cents this year in that amount to make it \$5.42 which is troublesome. Five dollars and forty-two cents is approximately what—\$36, \$37 a week? We all know, those of us who go out and do the shopping, anyone on that side of the House who does the weekly shopping, that it's very difficult to feed a person on \$37 a week. If you've got a family of five, I'm sure you spend more than \$150 or \$160 on food; at least, most of the people I know spend more than that. It's just troublesome. I'm not sure that the raw amount is sufficient.

To the member from Nickel Belt: You are absolutely correct. The residents' councils have existed for a long time. I merely commented on them. It's a good thing they're being continued and are contained within the body of the act. You are absolutely right: There are not enough staff in most of the facilities.

1750

**The Deputy Speaker:** Further debate?

**Mr. Dave Levac (Brant):** I want to provide a couple of clarifications before I get into the bulk of my discussion on the specifics of the bill by explaining a couple of things first. Number one, I think the members of this House would accept this comment: that no one has a monopoly for caring for our elders. No one has a monopoly on caring for those with disabilities. No one has a monopoly in this place on being sincere and on actually wanting our senior citizens to have the best lives that they can. They are our parents, our grandparents, our great-grandparents, our uncles, our aunts. For anyone to imply that we do not, on this side, care about our senior citizens is not acceptable, and I reject it. I hope that they wouldn't, but if they do, we reject that.

What I want to make sure everyone understands is that there isn't anyone in this House, I believe, who hasn't visited a long-term-care home, and I believe there isn't anyone in this place who hasn't been asked to go to a long-term-care home. When they have gone, they have seen the same things that all of us have seen. They have seen something that I think is important to acknowledge: the absolute love that emanates, just pours out of the staff who take care of these people. There isn't anyone who would challenge me on the fact that we see that, day in and day out. Of the visits that I've made on a regular basis since 1999, and actually before that, as the principal of an elementary school, I made it my task—as a matter of fact, it was a check-to-do list of my staff to take their students to a visitation to a long-term-care facility so that there was an intergenerational understanding, a connect with our senior citizens.

Unfortunately for those, some of them—and I say this regretfully—did not have family who would come and visit them. They were simply put there, and the connect was done by the staff. Every single one of us in this place—our hearts would go out to them in terms of the amount of work that they've done and they do, above and beyond what their expectations are. So no one has the monopoly on that, and let's put the record straight on that.

The second thing is, we were left—I bring this up because there's a lot of talk about money—with a \$5.5-billion deficit that rearranged some of our priorities.

**Mr. Bill Murdoch (Bruce–Grey–Owen Sound):** You're dreaming again.

**Mr. Levac:** Unfortunately, the heckling from the member opposite doesn't seem to be respectful of the debate, because the debate is there. I would ask him to pick up the phone and tell Stephen Harper not to put the \$13-billion surplus onto the debt but to put it into our social deficit and have a share in making sure that our people—let's direct our attention to where those monies are available to assist us with that.

*Interjections.*

**Mr. Levac:** It's unfortunate that the cackling's going on, because we are being complained against on a regular basis from the opposition, especially that member, who doesn't want to admit that his government made those mistakes and that the federal government has made some mistakes. And have we made some mistakes? Absolutely.



I think it's time for us all to enter into the debate about what this topic is about and not end up being stuck in some kind of time warp of saying, "It never happened before and it's not going to happen in the future." Let's say that we can put our collective minds together to try to solve the problem that's there, and to acknowledge, like the member from Beaches—East York did, that there were some good things that were done in this bill and that the attempt is in the right direction to try to improve the circumstances.

I defy anyone to tell me that one single bill in this place has always solved the problem that it was trying to solve. It has been foundation-building, and it's fluid. There are a lot of bills in this place that get amended on a regular basis, from government to government, to government because we continue to find the holes in them. That's why this bill is going to go to committee. This bill is going to committee and there are going to be people provided with an opportunity to tell us what they think is wrong and what they think is right, because far too often—

#### *Interjections.*

**Mr. Levac:** The heckling from the other side continues because what they want to talk about is, distracting the public from the reality of what this place does to try to improve the lives of Ontarians.

I know I've been quoted twice today. Did I write a letter? Yes, you bet I wrote a letter. I wrote a letter for the improvement of the senior citizens in Ontario, and I'm supportive of anybody who wants to do so. I stand in my place and I say that I want those things. If you're afraid to stand up and say it, if you can't write it and feel good about it, then don't write it.

I want to talk to all our members in this place. We want to do what's best for the people of Ontario, and there are people who don't want us to win the next election. That's got nothing to do with the topic we're trying to talk about today. What it has to do with is the hard work of the member from Nipissing. It has a lot to do with the hard work of the Legion. It has a lot to do with the hard work of the member from Nickel Belt. It has a lot of interest from us to try to pull us together and have us understand. I want to suggest to you very respectfully that we want to hear those suggestions and those recommendations, and that's why we are going to

take the bill to committee and that's why each and every one of us visits, on a regular basis, our long-term-care facilities and listens to what those concerns and frustrations are. You mean to tell me you think the front-line staff don't still shield the people they're dealing with from all the heartaches they're feeling? The people whom I've seen on a regular basis, I've watched them, day to day, shield them from all of the complaints. They want to live the last few pieces of their life in as much dignity as they can. That's why I keep coming back to the staff, no matter what their designation is.

My suggestion to you is that this piece of legislation is not the answer; it's the foundation of a template that will continue to move forward with improvements, with corrections and, ultimately, a very strong feeling that when our parents, our grandparents and our great-grandparents go into these homes, there's a sense of relief and satisfaction. I would suggest to you respectfully that that is already there. In the vast majority of cases—I've seen the studies and I've seen the surveys and I've seen the statistics—that satisfaction is very high.

I want to talk to you about one of the highest rates of complaint in long-term-care facilities. The most frequently cited unmet satisfaction is the violation of the bill of rights. Why would we not entrench this and reinforce it and continue to improve it? We should. We should take our time each step of the way. If we want to sit back and say that 1989 was good enough, that's not good enough for me. I don't know about you. I think we should be reviewing this bill in the near future, if and when it's passed, to ensure that it's doing what it set out to do.

I want to challenge us all to put aside the shackles of any party that simply says, "I've got all the answers," because they don't. We don't, they don't and you don't. What we do need is a dedication to move forward in the area of our senior citizens.

One last comment I would make is that I do know that there are some concerns about retirement homes. That's next on the radar. We're coming for you.

**The Deputy Speaker:** It being 6 of the clock, this House is adjourned until 6:45 of the clock.

*The House adjourned at 1758.*

*Evening meeting reported in volume B.*

## ERRATUM

No.	Page	Column	Line(s)	Should read:
109	5577	1	19-20	Jane Ogden, David Witzel, Lisa Diamond, Krzysz Chmiel and Samuel Fragomeni are parents who have

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# CONTENTS

Monday 23 October 2006

## MEMBERS' STATEMENTS

<b>Diwali and Eid-ul-Fitr</b>	
Mr. Klees .....	5649
<b>Sleeman Breweries</b>	
Mrs. Sandals .....	5649
<b>Muskoka Heritage Foundation</b>	
Mr. Miller .....	5649
<b>Small business</b>	
Ms. DiNovo .....	5650
<b>Cheryl Parrott and Vance Fandrey</b>	
Mr. Patten .....	5650
<b>Seat belts</b>	
Mr. O'Toole .....	5650
<b>Education</b>	
Mrs. Mitchell .....	5650
<b>Highway improvements</b>	
Mr. Wilkinson .....	5651
<b>Hungarian revolution</b>	
Mr. Levac .....	5651

## FIRST READINGS

<b>Regulation of Zoos Act, 2006,</b>	
Bill 154, <i>Mr. Zimmer</i>	
Agreed to .....	5651
Mr. Zimmer .....	5651

## MOTIONS

<b>House sittings</b>	
Mr. Bradley .....	5652
Agreed to .....	5652

## STATEMENTS BY THE MINISTRY AND RESPONSES

<b>Accessibility for the disabled</b>	
Mrs. Meilleur .....	5652
Mrs. Munro .....	5653
Mr. Prue .....	5653

## ORAL QUESTIONS

<b>Ontario public service</b>	
Mr. Tory .....	5654
Mr. McGuinty .....	5654
<b>Hospital services</b>	
Mr. Tory .....	5655
Mr. Smitherman .....	5655
<b>Veterans</b>	
Mr. Hampton .....	5656
Mr. Smitherman .....	5656
<b>Water quality</b>	
Mr. Hampton .....	5657
Mr. Ramsay .....	5657
Mrs. Mitchell .....	5659
Ms. Broten .....	5660

## Health insurance

Mr. Tory .....	5658
Mr. Smitherman .....	5658, 5661
Mr. Kormos .....	5661

## Property taxation

Mr. Prue .....	5659
Mr. Sorbara .....	5659

## Respite care

Mr. Klees .....	5660
Mr. Smitherman .....	5660

## Electricity supply

Mr. Oraziotti .....	5662
Mr. Duncan .....	5662

## Law reform commission

Mrs. Elliott .....	5662
Mr. Bryant .....	5662

## Nuclear waste

Mr. Tabuns .....	5663
Ms. Broten .....	5663

## Immigrants' skills

Mr. Balkissoon .....	5663
Mr. Colle .....	5663, 5664
Mr. Duguid .....	5664

## PETITIONS

### Long-term care

Mr. O'Toole .....	5664
Ms. Martel .....	5664, 5666
Mr. Kormos .....	5665

### Immigrants' skills

Mr. Leal .....	5664
Mr. Wilkinson .....	5665
Mr. Delaney .....	5667
Mr. Arthurs .....	5667

### Gasoline prices

Mr. Ouellette .....	5665
---------------------	------

### Highway 26

Mr. Wilson .....	5666
------------------	------

### Fair access to professions

Mr. Duguid .....	5666
------------------	------

### Electricity supply

Mr. Miller .....	5666
------------------	------

### Highway funding

Mr. Ouellette .....	5667
---------------------	------

## ROYAL ASSENT

The Administrator of Ontario .....	5667
------------------------------------	------

## SECOND READINGS

### Long-Term Care Homes Act, 2006,

Bill 140, <i>Mr. Smitherman</i>	
Ms. Martel .....	5668, 5676, 5679, 5683, 5688
Ms. Smith .....	5675, 5679, 5687

Mrs. Elliott .....	5675, 5678, 5688
Mr. Prue .....	5676, 5684, 5689
Mr. Leal .....	5676
Mr. Wilkinson .....	5677, 5680
Mr. Dunlop .....	5679, 5684
Mr. Miller .....	5680, 5684
Mr. Watson .....	5683
Mrs. Meilleur .....	5688
Mr. Levac .....	5689
Debate deemed adjourned .....	5690

## OTHER BUSINESS

### Visitors

Mr. Murdoch .....	5651
The Speaker .....	5654

<b>Erratum .....</b>	<b>5690</b>
----------------------	-------------

## TABLE DES MATIÈRES

Lundi 23 octobre 2006

## PREMIÈRE LECTURE

<b>Loi de 2006 sur la réglementation des jardins zoologiques,</b>	
projet de loi 154, <i>M. Zimmer</i>	
Adoptée .....	5651

## DÉCLARATIONS

### MINISTÉRIELLES ET RÉPONSES

<b>Accessibilité pour les personnes handicapées</b>	
M <sup>me</sup> Meilleur .....	5652
M <sup>me</sup> Munro .....	5653
M. Prue .....	5653

## SANCTION ROYALE

L'administrateur de l'Ontario .....	5667
-------------------------------------	------

## DEUXIÈME LECTURE

<b>Loi de 2006 sur les foyers de soins de longue durée, projet de loi 140,</b>	
<i>M. Smitherman</i>	
Débat présumé ajourné .....	5690



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Second Session, 38<sup>th</sup> Parliament

**Assemblée législative  
de l'Ontario**  
Deuxième session, 38<sup>e</sup> législature

# **Official Report of Debates (Hansard)**

# **Journal des débats (Hansard)**

**Monday 23 October 2006**

**Lundi 23 octobre 2006**



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Honourable Michael A. Brown

**Président**  
L'honorable Michael A. Brown

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# LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 23 October 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 23 octobre 2006

*The House met at 1845.*

## ORDERS OF THE DAY

### INDEPENDENT POLICE REVIEW ACT, 2006

### LOI DE 2006 SUR L'EXAMEN INDÉPENDANT DE LA POLICE

Resuming the debate adjourned on October 18, 2006, on the motion for second reading of Bill 103, An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act / Projet de loi 103, Loi visant à créer le poste de directeur indépendant d'examen de la police et à créer une nouvelle procédure de traitement des plaintes du public en modifiant la Loi sur les services policiers.

**The Acting Speaker (Mr. Michael Prue):** My understanding is that in the rotation the official opposition now has the floor.

**Mr. Norm Miller (Parry Sound–Muskoka):** It's my pleasure to add some comments this evening on Bill 103, the Independent Police Review Act, 2006. I'm going to speak briefly as we wrap up second reading debate.

The purpose of this bill is to establish a new civilian body to administer the police review system and to provide confidence and respect from both public and police in the public complaints system. I would raise questions as to whether this is really necessary, if the point of the bill is to provide confidence.

First of all, the current system we have has been in place for some 10 years. It was put into place in 1997 after extensive consultation and it seems to be working well. There was a Statistics Canada survey done in 2003, and that showed that 80% of the public say they have confidence in our police. Based on that, I really wonder whether this is something we should be spending who knows how much on. There are estimates that it could cost as much as \$9 million in the first year of implementing this new system. Based on that Statistics Canada survey and also based on the experience that I've certainly had in my own constituency, is it really necessary?

We have some questions and concerns: questions about whether this is going to create an unnecessary bureaucracy and, as I say, how much it's going to cost to run

that bureaucracy—we've seen that happening in some other legislation, like Bill 43, the water bill that was put forward by this government—and concerns with regard to other aspects of the bill, like third party complaints. Is this going to open up the flood gates to individuals who aren't really necessarily involved in an incident? There are certainly concerns with that. In terms of civilian oversight, no one is opposed, but it already exists in the current system and has been working adequately well.

The North Bay Police Association has noted, "The government is going to spend millions to deal with minor complaints against police when that money would be better spent within the police organizations to provide police departments with civilian members to investigate complaints. Establishing regional centres for the agencies will be costly, and inevitably there will be situations where someone with a complaint about a local service will have to speak to someone at a regional centre hundreds of kilometres away from them. Running the regional centres will involve spending unnecessary public dollars just for the appearance of increased accessibility in limited circumstances, whether the difference is to someone in North Bay if they have to speak to someone in Thunder Bay or Toronto about a complaint."

We're not hearing a lot in terms of this bill from stakeholders, so we think that the best thing to happen with the bill is that it go out to committee and that the government provide ample opportunity for the public and stakeholders like the police forces, the chiefs of police and others who may be interested in Bill 103 to give input to the bill, so that amendments might be made and some of the concerns addressed.

That's pretty much it on Bill 103. I'm not hearing a lot about it, so we're looking forward to seeing it go to committee and get public input.

## 1850

One other local note on the riding of Parry Sound–Muskoka to do with policing costs: I note that the district municipality of Muskoka, in January of this year, wrote to Michael Bryant and the Ministry of the Attorney General considering the OPP staff complement in Muskoka. It was Gord Adams, the district chair, who wrote:

"There has been considerable media coverage of provincial government announcements increasing the number of police officers throughout Ontario. I understand that no additional officers have yet been placed in Muskoka. Therefore, I have been asked to contact you,



Minister, and inquire when the OPP staff complement will be reviewed in the detachments covering Muskoka.”

They look forward to a return response on that. That’s one Muskoka issue that I just wanted to get on the record when speaking to this bill, Bill 103.

We’ll wrap up now and look forward to the committee hearings and public input on Bill 103.

**The Acting Speaker:** Questions and comments? Seeing none, further debate?

**Ms. Andrea Horwath (Hamilton East):** I too want to make a few remarks about Bill 103, An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act. I want to speak to it in a couple of specific contexts because I in fact agree with the previous member, insofar as New Democrats think the bill needs to go through the next phase, the next process, which is committee hearings. In our opinion, it’s certainly moving in the right direction, but there are some things that remain outstanding, not only in terms of Justice LeSage’s report, the recommendations that he brought down in 2005 after the review that was requested by the provincial government around police complaints processes—there were some 27 recommendations made. So there are some specifics that we would like to see the government deal with and that can happen through the committee process. We’re certainly looking forward to that.

Before indicating a couple of issues in particular that I’d like to see fleshed out to a greater extent in the committee process, I wanted to raise two or three things that have happened in my own community that, for me, really speak to the reason why there needs to be reform in this area. I chose three particular incidents. One is currently in the newspapers today in my community and has been for the last week or so. Another is an incident that occurred earlier this spring and that I know other members of the Legislature have been made aware of. It didn’t occur in my community, but a constituent from my community was involved in the issue. The third issue is one that did occur in my constituency quite some time ago, over a year ago now. I wanted to raise them as illustrations of why we need to move forward with some kind of reform in the area of police review.

The first is the case of a fellow named Michael Dixon. This gentleman was moving to Hamilton from another community. He had just purchased his home and was in the process of moving, was still working and trying to get things arranged in his new home in Hamilton and happened to be travelling back to Hamilton from another community late on the night of the blackout in 2003. What occurred that evening after he got off the bus in Hamilton was that he happened to be going past the scene where a crime had occurred earlier that evening and where a report had been called into the police that there had been a break-in at a jewellery store and the suspect was a white, bald man seen fleeing from the scene of the crime.

Mr. Dixon is not bald and Mr. Dixon is not white. However, notwithstanding that, he was chased down by

the police as they saw him in the vicinity of that crime area, and has been going through a horrendous ordeal for the last three years, not only trying to prove his innocence, but trying to get some modicum of justice from our local police department.

I am not saying by any stretch that our police department is dilatory in its job to try to protect the people and the property of the community of Hamilton—not at all. What I am saying, though—it’s very clear, and in fact the police chief has finally apologized to this gentleman—is that in the process of trying to find a suspect, trying to find somebody so that they could say, “We’ve done our job. This is the guy who’s done the crime,” the police, unfortunately, failed to undertake some very basic steps and procedures around determining whether or not Mr. Dixon had an appropriate alibi, which in fact he did; they just didn’t bother to follow up on it. Not only did they not bother to follow up on it that evening or within the first couple of days that they had him in jail, but even after it was requested, during the process of the court proceedings in terms of him answering to the charges alleged against him, that the alibi be checked, still the police force did not bother to check the alibi. That’s bad enough, but then, to make things worse, when he tried to make a complaint about the police department’s process and procedure and lack of follow-up, and the harm that was done to him as a result of inappropriate police procedure, the staff sergeant refused to take the complaint, refused to allow Mr. Dixon to make the complaint.

I’m sure the Hamilton police department has learned a great deal from this incident. But the issue becomes, if we have a system in place that makes sure that these kinds of incidents are reviewed and that there’s a neutral third party that has nothing to do with the administration of the police department in any community, not just the community of Hamilton, it gives people an understanding of their ability to access justice from the very justice system that’s supposed to protect the rest of the community. So Mr. Dixon’s case is very clearly one where, had this procedure, had this proposed system been in place, it wouldn’t have taken Mr. Dixon three years to get not only an apology, but even just a basic investigation into the way that he was wronged that fateful night in 2003 when there was a blackout in the province of Ontario. That’s the first example.

Another example is one of a young man who, in March of this year, was dealt with in an inappropriate manner from his perspective. If you read the transcripts of the incident as it occurred, he was not dealt with in a way that was fair-handed from his perspective and, in fact, doesn’t appear to have been dealt with in a fair-handed manner by the Ontario Provincial Police, in an incident that occurred in the city of Burlington.

I raise this because, once again, this is a situation where the person who has the complaint, who has the concern, has not had the complaint or concern followed up. This particular person was of South Asian descent. The first, Mr. Dixon, was Afro-Canadian, a black person. This person, Mr. Dhillon, is actually a South Asian



person. He, as well, had some real concerns about the way he was dealt with, whether or not it was a fair-handed process with the police, and had significant difficulty in getting his voice heard, his concerns raised and his complaint taken seriously.

These examples simply highlight the fact that there is a problem with people being able to get accountability—if you want to put it that way—to get a response from existing police services under the current regime. Certainly, New Democrats are very concerned and look forward to the alteration of that regime to make it more responsive and make the process more transparent and accessible for people that have complaints about police.

The third and final one that I wanted to raise is a specific example that occurred in my riding maybe just a year and a quarter or so ago. This is a situation where a young person, a young fellow, was chased down by police and a taser was used on him. There's all kinds of issues around tasers and the use of tasers. I've done some looking into that issue myself, because I have some real concerns about protocols around the use of tasers. Nonetheless, the big issue here was certainly, and it's problematic, that this young, 15-year-old boy was chased down into an alley and tasered by police for kicking a can that hit a car that was, in fact, an unmarked police car. There was an overreaction, in my opinion—but it's only my opinion—of police in the way that they dealt with that matter and tasered this 15-year-old boy.

The issue for me is not so much the fact that this—yes, it's horrendous and it's a terrible thing that occurred and it was, in my mind, inappropriate. However, how it relates to this bill that is before us is the fact that the young fellow's mom was absolutely apoplectic when she found out what happened to her son, but was not treated in a fair-minded way by police, insofar as her objections, complaints and concerns were kind of put to the side.

#### 1900

As I continued to try to advocate for this woman, it became clearer and clearer that the exercise was about the police justifying their behaviour, not about the police taking a sober look at what they had done to determine in a real way whether or not they had taken the right steps to address the situation and whether the force being used was appropriate to not only the situation but the young person involved. At issue, then, is the extent to which the mom felt that her complaint about the way her son was being treated was being taken seriously by police or being dealt with effectively by police. She was not getting any input or any response back whatsoever to indicate that in fact the complaint she was raising was anywhere in a continuum of steps that needed to take place to resolve the complaint. So basically the complaint gets made and it gets put into some ethereal place where there are no yardsticks, there are no signposts, there's no way for that person to find out what stage the complaint is at, where it is, when they can expect a response, who is investigating it, how they get input into the various processes that go on during the investigation and deter-

mination of whether or not the complaint is valid. That is problematic.

So there are three examples: one a young fellow tasered, two where there perhaps are race issues involved, certainly all three where the complaints process is simply falling apart. Bill 103 purports to deal with that, and we certainly think that's something that needs to be dealt with. We look forward to some real changes in the way that police complaints are made; again, not to vilify police and not to in any way say or suggest that all police are doing things that are overzealous in terms of abuse of power—certainly not—but simply to make sure that we have a system in place where our citizens and our communities can feel that when they do have concerns, those concerns are taken seriously and there is a transparent and verifiable process and procedure that can be taken up to make sure their complaints are being addressed efficiently and effectively.

There are two things that I think need to be really addressed in terms of this bill and where we end up, hopefully after the committee process. It's great to put the new system in place, it's great to put an independent police review director and an oversight body in place—it's extremely important and we would support that—but let's make sure that we don't cripple the organization by not allocating it the appropriate and necessary resources to do its job. That's the first thing. Let's make sure, if we're going to put this new system in place, that we support it, we invest in it, and we make sure that it has all of the tools, particularly the financial ability, to take seriously these complaints and act upon them in a way that restores confidence in the public in terms of the fairness of the process.

The other issue is one that's quite disconcerting, and that is that the government, in section 97 of this bill, specifically and purposely indicates that the Ombudsman will not have oversight over the decisions that come from this particular body. Members of this Legislature will know that I have a couple of private members' bills currently on the order paper because I believe that the Ombudsman is in fact a perfect tool for us as legislators to turn to as an independent, unbiased oversight body to look at any number of government systems. Members might know that the children's aid society is one of the most important ones, I think, where the Ombudsman needs to have oversight. Of course, we know that we've got some concerns around long-term-care facilities, the broader health and hospital system, as well as the MUSH sector, which is municipalities, school boards and other areas. There needs to be some consideration of oversight in those areas so that exactly these kinds of systemic problems that come up can be dealt with. However, it's very disconcerting that this new body is going to be established and that it is specifically indicated in the bill, in section 97, that the Ombudsman will absolutely not have oversight over this body.

Members will know that our Ombudsman, André Marin, a very effective and a very vocal Ombudsman, was disturbed himself to find out that that oversight is not



being allowed for him in this bill. It's the very principle of, who guards the guards? Who is it that makes sure, when we put systems in place to oversee areas where there is a great amount of power given to a certain organization or group—for example, the police, being probably the most powerful; maybe children's aid societies have more power than police, some would say. Nonetheless, who is to make sure that the body that looks after that situation, the oversight of that system, is in fact effective, is in fact doing the job, is in fact making sure that all of the appropriate forces are being brought to bear to make that system an effective one and one that's responsive and accountable to the citizens of Ontario?

If I could just wrap up by saying that, yes, there are examples, I am sure, in every single community where complaints have not been dealt with to the satisfaction of our constituents. And whereas, as a New Democrat, I believe that Bill 103 goes in the right direction, I certainly look forward to this going to committee so that we can deal with a number of issues, and other stakeholders can come to the table and deal with some of those issues. But I think the two important ones off the top of my head at this point in time are oversight provisions and perhaps getting rid of that section 97, which removes the oversight capability from the Ombudsman in this regard, as well as ensuring that the oversight body, with all of its arms, is appropriately funded and has the tools it needs to do the job properly. At the very least, not only do we owe this to our constituents and the people of Ontario, but we owe it to the police officers and the police forces that are trying to do a good job across communities from one end of this province to the other.

**The Acting Speaker:** Questions and comments? Further debate? Is there any other member who wishes to debate?

Seeing none, Mr. Bryant has moved second reading of Bill 103, An Act to establish an Independent Police Review Director and create a new public complaints process by amending the Police Services Act.

Is it the pleasure of the House that the motion carry? I heard a no.

All those in favour will please say "aye."

All those opposed will please say "nay."

In my opinion, the ayes have it. Carried.

Shall the bill be ordered for third reading? I heard a no.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** We'd like to refer the bill to the standing committee on justice policy.

**The Acting Speaker:** The bill is therefore referred to the standing committee on justice policy.

**Hon. Mr. Bradley:** I move adjournment of the House.

**The Acting Speaker:** Mr. Bradley has moved adjournment of the House.

Shall the motion carry? I heard a no.

All those in favour, please say "aye."

All those opposed, please say "nay."

Carried.

This House now stands adjourned until 1:30 of the clock tomorrow.

*The House adjourned at 1909.*

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## CONTENTS

**Monday 23 October 2006**

### SECOND READINGS

<b>Independent Police Review Act, 2006, Bill 103, <i>Mr. Bryant</i></b>	
Mr. Miller .....	5691
Ms. Horwath .....	5692
Agreed to .....	5694

## TABLE DES MATIÈRES

**Lundi 23 octobre 2006**

### DEUXIÈME LECTURE

<b>Loi de 2006 sur l'examen indépendant de la police, projet de loi 103, <i>M. Bryant</i></b>	
Adoptée .....	5694

20N

23



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**Legislative Assembly  
of Ontario**  
Second Session, 38<sup>th</sup> Parliament

**Assemblée législative  
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Deuxième session, 38<sup>e</sup> législature

# **Official Report of Debates (Hansard)**

# **Journal des débats (Hansard)**

**Tuesday 24 October 2006****Mardi 24 octobre 2006**

**Speaker**  
Honourable Michael A. Brown

**Clerk**  
Claude L. DesRosiers

**Président**  
L'honorable Michael A. Brown

**Greffier**  
Claude L. DesRosiers





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# LEGISLATIVE ASSEMBLY OF ONTARIO

Tuesday 24 October 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mardi 24 octobre 2006

*The House met at 1330.  
Prayers.*

## MEMBERS' STATEMENTS

### TOBACCO INDUSTRY

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** I rise today to continue to raise awareness of the devastation occurring in tobacco farm country.

As I've made clear over the past several years, this government has helped escalate a decline in the farming of tobacco. The McGuinty government has waged war on tobacco farm families in the counties of Brant, Oxford, Norfolk and Elgin through increased taxes and the smoke-free Ontario legislation. This has eliminated farms and resulted in lost jobs, not only for local labourers but for offshore workers as well, who spend their hard-earned dollars in our small towns.

Our small towns and their respective businesses are suffering, and there's little sign of anyone lending a helping hand. Just yesterday, the Ontario Flue-Cured Tobacco Growers' Marketing Board was forced to send out pink slips to all 150 workers at the Delhi auction exchange. This is horrible news for those 150 workers, who will have to find jobs in an area that's already plagued by high unemployment.

Tobacco growers are also confused: Is yesterday's announcement by the board an indication an exit plan is imminent? If the auction exchange is closing, will there be a 2007 growing season? Are Ontario's Minister of Agriculture and Premier McGuinty working with their federal counterparts on a tobacco exit plan? There are too many unanswered questions.

### FOREST INDUSTRY

**Mr. Michael Gravelle (Thunder Bay–Superior North):** Despite relatively strong criticism of our government's response to the forestry crisis in northwestern Ontario from various quarters, I am genuinely grateful for the time, attention and resources that have been forthcoming from the highest levels to find a positive resolution for the perfect storm that has gripped this vital industry for the past few years.

The financial incentives totalling \$900 million that have been put in place over the last year are beginning to bear fruit as delivered wood costs have been lowered and

applications to the forest prosperity fund have grown. In addition, it is clear that Terrace Bay pulp would not be in operation today, nor would Buchanan Northern Hardwoods have avoided an indefinite shutdown, without the support and co-operation of our government.

Having said that, there is no question that there continues to be a deep fear, if not a sense of despair, amongst my constituents that suggests that unless our government provides additional assistance, particularly with lower energy rates, there will be more mill closures with further job losses on top of the ones that have already occurred. Frankly, I cannot accept that ugly scenario and, while I am acutely conscious that global competition and the high Canadian dollar are not areas over which the province has any control, I am equally conscious that we have the ability to provide assistance with the cost of energy.

So I stand before the House today, proud to be part of a government that recognizes the crisis, but also as a member extremely anxious to see us bring forward the further assistance this industry needs in order for it to survive. Time is running out.

### ONTARIO ASSOCIATION OF CHIEFS OF POLICE

**Mr. Garfield Dunlop (Simcoe North):** I'm very pleased to rise today and welcome the Ontario Association of Chiefs of Police to Queen's Park on their annual day at Queen's Park. I would particularly like to congratulate Chief Terry McLaren of the city of Peterborough Police Services for a job well done.

Each year we see the chiefs here, and we listen to their concerns and the issues that they face. Usually, there are issues around financing and resources. I just finished a quick meeting with maybe 18 of the police chiefs in Ontario and listened to a number of the concerns they have, many of them around court security, maybe some problems around CSOs, the possibility that they'd like to see a pawnbrokers act brought into effect. I can tell you that our party will be working very closely with the Ontario Association of Chiefs of Police as they try to implement a number of the recommendations they brought forward too.

I want to say today, on behalf of John Tory and our caucus: Welcome to Queen's Park. We're listening carefully to the concerns you have and we will work very hard over the next eight or 10 months, putting some of the concerns you have into our platform so that when we form the next government we'll be able to handle your issues.



**Mr. Gilles Bisson (Timmins–James Bay):** I would say to the Conservative member not to be so presumptuous about who is going to form the next government and not to make promises to the chiefs of police because, quite frankly, this will be a three-way race. All of us in this assembly feel very strongly that the work that police officers do in our communities is very important, not only to the safety of our communities but also to the social fabric that makes them up.

I want say up front that parts of the issues we have to deal with when it comes to policing are, at times, fairly straightforward—we try to make them complex. The issue is, why do people break the law? People break the law because sometimes they think they can get away with it. If you don't have the force of police out on the street—people doing the patrols that need to be done, checking our downtowns, patrolling our highways and basically having boots on the ground, as George Bush would have it and as Stephen Harper would say—people are going to think they can get away with things.

It's incumbent upon us—and I speak on behalf of our critic, Mr. Kormos, and our leader, Mr. Howard Hampton, within the New Democratic Party—to support our police officers by putting your money where your mouth is, as they would say, and ensuring that police officers, their chiefs and their municipalities have the resources necessary to be able to do the kind of work they've got to do in our communities.

Let's also recognize that policing has changed over the years. It's much more complex. The skills that police officers have to bring to the job of policing our communities aren't as straightforward as they used to be, in the sense of just having somebody who's strong and who can basically handcuff somebody. You have to have people with varying skills. In that light, we need to be able to—

**The Speaker (Hon. Michael A. Brown):** Thank you. Members' statements? The member for Etobicoke North.

#### EID-UL-FITR

**Mr. Shafiq Qaadri (Etobicoke North):** Thank you, Speaker. To begin with, I'd like, with your permission, to recognize, salute and honour the celebration of diversity that this government, and particularly this House, espouses. In that spirit, it's a privilege for me to rise today and recognize one of the great Islamic celebrations and, on behalf of all members of the Legislature, to extend to the Muslim community of Ontario, some 500,000 strong, felicitations at the end of Ramadan, the holy month of fasting, and the celebration of Eid.

This is a time of festivity, of overeating, of exchanging gifts, of good fellowship. I know my own young ones, Shamsa and little Shafiq, have really enjoyed this wonderful occasion of dressing up and exchanging cultural knowledge with many of their peers. I think, as we go into the new year, that this is a time when all of us need to celebrate the types of things that join us together,

that build stronger communities, that build stronger cultural traditions so that we can go forward and build a better Ontario for us all.

Once again, on behalf of the Legislature of Ontario—and as you can imagine, Speaker, it's a privilege for me particularly—I offer greetings to the 500,000-strong Muslim Ontarians. Eid Mubarak.

#### NATIVE LAND DISPUTE

**Mr. Robert W. Runciman (Leeds–Grenville):** Today, I want to indicate the official opposition's continuing concerns regarding the ongoing illegal occupation of land in Caledonia and the McGuinty government's failure to respect the rule of law. Mr. McGuinty's latest pronouncement that they're sending a \$6-million bill to the federal government is simply another sad commentary on his inability or unwillingness to deal with a challenge that is clearly a provincial responsibility.

Some months ago, McGuinty indicated that Caledonia was an accounting problem, not a land claim issue. But now, with no resolution in sight, he's attempting to fob off his responsibilities on another level of government.

The administration of justice is a provincial responsibility. The McGuinty Liberals are now discovering that the application of different laws for different people is an expensive proposition. Blaming someone else for your failures is not a winning formula, but it's a consistent theme for this McGuinty Liberal government.

Caledonia is an ongoing example of this government's failure to uphold the rule of law, and in so doing, has reduced respect for the application of laws in this province and seriously damaged the reputation of the Ontario Provincial Police in the process.

1340

#### JONATHAN BROWN

**Mr. Phil McNeely (Ottawa–Orléans):** On Friday, October 13, Jonathan Brown, an Orléans native, returned home to be honoured with one of the most prestigious policing awards in Canada: the Governor General's Medal of Bravery.

Jonathan Brown is an officer with the RCMP, and for his years of service he has already received the RCMP Commissioner's Commendation Award for Bravery and the Lieutenant Governor's Award.

Last Friday, he returned to Ottawa to receive the medal of bravery at Rideau Hall from none other than Michaëlle Jean, Governor General of Canada.

Jonathan Brown has been honoured with these medals for his heroic rescue of two BC residents who were trapped in a burning apartment building. On Christmas Eve 2004, Brown and his partner arrived at the scene before fire crews could respond and fearlessly stormed into the burning building, awoke and carried out a sleeping woman and then tore back into the flames to find a man unconscious on the ground, overwhelmed by smoke.



Both residents were treated in hospital and both Brown and his partner spent Christmas Day in the emergency room.

This bravery is commendable but it is by no means rare. It is so important to remember just how dangerous the job of a police officer can be and to appreciate the men and women who risk their lives for our safety.

The Ontario Association of Chiefs of Police is at Queen's Park today. I would like to encourage all my colleagues to attend their reception this evening to show our support.

Finally, I would like to congratulate Officer Jonathan Brown on the receipt of the Governor General's medal this past Friday. He is well deserving of this honour and an inspiration to all of us.

### SUPPLY MANAGEMENT

**Mrs. Carol Mitchell (Huron-Bruce):** Ontario farmers need a predictable and stable business environment, and that is why this government supports supply management. Supply management is a tool that can and does address certain farm income issues. The Ontario Federation of Agriculture had this to say: It is an "absolute necessity to support and strengthen marketing structures like supply management ... and these systems continue to provide profits for farmers operating within them, allowing them to plan a successful future."

That is because Ontarians deserve a healthy, safe and secure source of food—food that has come through a proven system of tests and approvals. Marketing structures like supply management empower farmers and create profitability. The government must maintain them, not undermine them, states the OFA.

This government understands that principle. We offer our continued support for Ontario's supply management market systems. Even Jim Flaherty, who sat with the members opposite, made a promise in the 2006 federal election supporting supply management and preservation of assistance programs. But now the federal Conservatives are proposing shattering changes to the wheat marketing board in western Canada. I wonder if this bait-and-switch strategy is what the Leader of the Opposition plans to do. Apparently Mr. Tory supports supply management, but with all these secret meetings, I wonder what his real intentions are.

Let me be perfectly clear. This government is in support of Ontario's supply management system, and we know that our farm families need a predictable and stable business environment to be successful.

### RURAL ONTARIO

**Mr. John Milloy (Kitchener Centre):** I stand today to applaud my rural caucus colleagues and the investment this government has made in rural Ontario. By working with legitimate, law-abiding organizations, we've invested in rural Ontario farmers and farm families, including \$51 million to keep good schools open; a \$31-million fire grant focusing on smaller rural communities; BSE relief

funding; \$174 million to grain and oilseed farmers; \$50 million for tobacco farmers; \$20 million in nutrient management assistance; the hiring of more full-time and part-time meat inspectors, and I could go on.

All Ontarians deserve to know what John Tory is up to, holding election planning meetings with the Ontario Landowners Association, headed up by none other than Randy Hillier.

Let me tell you about Mr. Hillier. When an OPP officer who was standing at the foot of the driveway asked the driver to stop, Mr. Hillier encouraged the driver to run into the officer and, according to the Ottawa Citizen, he said, "Keep moving. Keep coming forward. Let's see how tough this guy really is." According to the Ottawa Sun, Mr. Hillier said, "If you're doing the right thing and you're breaking the law, the law is wrong."

The leader opposite has a secret scheme. He's making a deal with people who break the law, and I believe Ontarians deserve to know the truth. John Tory needs to come clean. We, on this side, know that rural Ontarians are good, honest, law-abiding people. We are proud to be the voice of law-abiding rural Ontarians. All members of this caucus support the government's rural—

**The Speaker (Hon. Michael A. Brown):** Thank you.

## INTRODUCTION OF BILLS

### RED LEAVES RESORT ASSOCIATION ACT, 2006

Mr. Miller moved first reading of the following bill:  
Bill Pr30, An Act respecting Red Leaves Resort Association.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House the motion carry? Carried.

Pursuant to standing order 84, this bill stands referred to the standing committee on regulations and private bills.

### ELECTORAL SYSTEM REFERENDUM ACT, 2006

#### LOI DE 2006 SUR LE RÉFÉRENDUM RELATIF AU SYSTÈME ÉLECTORAL

Mrs. Bountrogianni moved first reading of the following bill:

Bill 155, An Act to provide for a referendum on Ontario's electoral system / Projet de loi 155, Loi prévoyant un référendum sur le système électoral de l'Ontario.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry?

All in favour will say "aye."

All opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1347 to 1352.*



**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

#### Ayes

Arnott, Ted	Hudak, Tim	Phillips, Gerry
Arthurs, Wayne	Klees, Frank	Qaadri, Shafiq
Balkissoon, Bas	Kular, Kuldip	Racco, Mario G.
Barrett, Toby	Kwinter, Monte	Ramsay, David
Bartolucci, Rick	Lalonde, Jean-Marc	Rinaldi, Lou
Bentley, Christopher	Levac, Dave	Runciman, Robert W.
Bountrogianni, Marie	Marsales, Judy	Sandals, Liz
Bradley, James J.	Martiniuk, Gerry	Scott, Laurie
Chambers, Mary Anne V.	Matthews, Deborah	Smith, Monique
Chudleigh, Ted	Mauro, Bill	Smitherman, George
Colle, Mike	McNeely, Phil	Sorbara, Gregory S.
Craitor, Kim	Miller, Norm	Sterling, Norman W.
Crozier, Bruce	Milloy, John	Takhar, Harinder S.
Delaney, Bob	Mitchell, Carol	Tascona, Joseph N.
Di Cocco, Caroline	Mossop, Jennifer F.	Van Bommel, Maria
Dombrowsky, Leona	Murdoch, Bill	Wilkinson, John
Duguid, Brad	O'Toole, John	Witmer, Elizabeth
Flynn, Kevin Daniel	Oraziotti, David	Wynne, Kathleen O.
Fonseca, Peter	Ouellette, Jerry J.	Zimmer, David
Gravelle, Michael	Patten, Richard	
Hardeman, Ernie	Peters, Steve	

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

#### Nays

Bisson, Gilles	Horwath, Andrea	Prue, Michael
DiNovo, Cheri	Kormos, Peter	Tabuns, Peter

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 61; the nays are 6.

**The Speaker:** I declare the motion carried.

The minister may wish to make a brief statement.

**Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal):** I'll wait for ministers' statements, Mr. Speaker.

#### VISITORS

**Hon. Steve Peters (Minister of Labour):** On a point of order, Mr. Speaker: I know that I did not speak to you in advance, so this may not necessarily be a point of order, but I'd like the House to—and the London colleagues would like to—welcome the students from Regina Mundi who are here today. Enjoy your tour of Queen's Park.

#### MOTIONS

#### COMMITTEE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that, in addition to its regularly scheduled meeting times, the standing committee on the Legislative Assembly be authorized to meet the morning of Thursday, October 26, 2006, for the purpose of conducting public hearings on Bill 52, An Act to amend the

Education Act respecting pupil learning to the age of 18 and equivalent learning and to make complementary amendments to the Highway Traffic Act.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

#### STATEMENTS BY THE MINISTRY AND RESPONSES

#### ELECTORAL REFORM RÉFORME ÉLECTORALE

**Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal):** I'm pleased to rise today to introduce the Electoral System Referendum Act, 2006.

The McGuinty government continues to be a leader in advancing an ambitious democratic renewal agenda. This government is committed to engaging more Ontarians in our electoral system. We are working to reduce voter cynicism and increase voter turnout.

We have made a commitment to allow the citizens of Ontario to analyze our provincial electoral system and propose a change if they think one is required. We have delivered on that commitment.

On March 27, 2006, I announced the creation of the Citizens' Assembly on Electoral Reform. When it comes to shaping democracy, our government feels it is important to give a voice to the people, to the Citizens' Assembly on Electoral Reform.

D'autres ressorts au Canada et dans le monde se sont penchés sur la question de la réforme électorale. Toutefois, c'est la première fois dans l'histoire de notre province que les citoyennes et citoyens ont la possibilité de participer à un vaste débat ouvert sur le système électoral dont nous avons hérité et de choisir le système électoral qu'ils estiment servira au mieux les intérêts de l'Ontario.

All Ontarians will have the opportunity to participate in one of the most important and exciting democratic renewal initiatives in our province's history.

There are 103 members on the Citizens' Assembly on Electoral Reform—one from each of Ontario's ridings. This process will empower the citizens of Ontario as never before. The assembly process is structured to ensure that assembly members and Ontarians are as well-informed as possible.

The assembly members are currently involved in a learning phase that Ontarians can follow online at [www.citizensassembly.gov.on.ca](http://www.citizensassembly.gov.on.ca). There will be a public hearings phase to listen to the views of other Ontarians and, finally, a deliberation phase in which members will discuss and decide on their preferred electoral system.

1400

On or before May 15, 2007, the assembly will announce their recommendation. If the assembly decides that there should be a change to our current electoral



system, a referendum is needed to allow all voting Ontarians the opportunity to participate in the final decision.

I rise in the House today to introduce this very important piece of legislation that would allow a referendum to take place if the citizens' assembly recommends a new electoral system. The adoption of a new electoral system would represent a foundational change to Ontario's democracy. A decision of this magnitude deserves to have the support of a solid majority of Ontarians across the province. This bill outlines a legitimate process that will result in a clear outcome for Ontarians. This is historic legislation.

A decision to change electoral systems should not be taken lightly. Therefore, to adopt the citizens' assembly recommendation, the legislation requires that at least 60% of all the valid referendum ballots cast province-wide support the new system. As well, more than 50% of the valid referendum ballots cast in each of at least 64 electoral districts is required for the new system to be adopted. This decision threshold indicates the importance of the work being done by the citizens' assembly. It will ensure that any change to the system is done thoughtfully and carefully and reflects the views of Ontarians.

This is democracy in action—a democracy that belongs to the citizens of Ontario. I'm very proud to introduce this bill today, and I urge my colleagues on both sides of this House to join me in supporting it.

#### LOCAL HEALTH INTEGRATION NETWORKS

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** It is with very great pride that I rise in my place to tell my colleagues about the latest milestone in our government's local health integration network initiative.

First, though, let me remind you that our government is determined to build a health system that's better able to respond to local needs, whether "local" means an inner-city neighbourhood in my Toronto riding or a far northern reserve, and to provide integrated, high-quality services to meet those needs. Our entire plan for health care is built upon the principle that health care is best delivered close to home, and it makes every bit of sense that local people are best able to determine their own community's health service needs and priorities.

Three years ago, we recognized that the status quo was failing the health system. The health care system was a giant machine. The parts weren't really running in sync and it was evolving in a haphazard fashion. That is why LHINs are such an important part of the transformation of health care in Ontario. We conceived and implemented them as a method of changing health care in this province from an uncoordinated collection of services to a truly integrated health care system. That's starting to happen now as the 14 LHINs get up and running across the province. And I'm proud to say that we can look forward to a real and tangible improvement in the way Ontarians access and use the health services they need.

Local health integration networks are mandated to improve access to health services; that is, their goal is to make it easier for patients and their loved ones to find their way through an often complex health care system. By devolving responsibility for the delivery of health care services to LHINs, we'll then be able to play a stronger role in concentrating our strategic directions and provincial priorities to improve the overall health system.

The 14 LHINs have made tremendous progress since the passage of the Local Health System Integration Act. Our government is proud of the work that they've done so far in transforming health care. The LHINs are talking to their communities and they're making plans for local decision-making for health care delivery. So far, more than 40,000 Ontarians have provided input to this dialogue. That's a great start.

Since March of this year, the 14 LHINs have been hard at work developing their integrated health service plans, or IHSPs, to help direct local decision-making over the next several years. Many of these reports are currently circulating in a draft version, inviting further input from the public and health service providers alike. And they're continuing to put qualified staff in place to take on the funding accountability and decision-making roles the LHINs will assume on April 1 of next year.

Today, I'm pleased to inform Ontarians they've reached a significant milestone with the release of their annual reports, which I'm privileged to be tabling today. These reports outline the LHINs' achievements to date.

Let me share with you just one example of a success. In the South West Local Health Integration Network, organizations involved in the wait times strategy have begun to reduce wait times and make system improvements. To leverage these achievements, the South West LHIN formed the Hip and Knees Quality, Utilization and Access Steering Committee to identify actions, recommendations and plans that improve the coordination of care, define standards for quality of care, improve access, and clearly define roles and responsibilities amongst organizations.

There are many other stories of how local agencies and health care providers are sharing best practices to improve access to care. I encourage my fellow MPPs to read these annual reports and learn about the great work that's happening on the ground across Ontario.

This is indeed an exciting time for health care in Ontario. LHINs represent the first time in our history where government is committed to engaging Ontarians from every corner of the province in a discussion about their health care and its future.

At the same time, we're working on ways to get more people involved in helping our government determine the overall direction we need to take when it comes to health care. This is our best bet when it comes to ensuring the best possible quality of health care for Ontarians, now and down the road.

Accountability and transparency are the keys to making sure that Ontarians know what they're getting and to us knowing what they need by getting their help in



defining local health care priorities. We've got to ensure that health care dollars are going to meet the specific needs of Ontarians and the specific priorities of separate communities, be they north, south, east or west.

To that end, you need good people in those communities, on the ground, helping to manage the system in the best interests of Ontarians. LHINs are the key to moving forward on the delivery of health services and the realization of our vision of keeping Ontarians healthier, improving access to doctors and nurses and reducing wait times.

In the long run, we're improving not only the care Ontarians receive but also the system that delivers that care itself—a system with the structural strength to last. As the fledgling LHINs spread their wings, Ontario's health system will never be the same again, and that's the best outcome of all.

#### ONTARIO ASSOCIATION OF CHIEFS OF POLICE

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** I rise today to pay tribute to the members of the Ontario Association of Chiefs of Police as they join us for their annual Queen's Park Day. I'd like to take a moment to acknowledge the presence of Chief Terry McLaren, president of the OACP, and all of the other chiefs and senior police officials who join us today in the members' galleries. Gentleman, would you stand up and be recognized? This is an occasion to not only recognize the chiefs for the important leadership role they play but to thank them for their tireless contributions to law enforcement in Ontario. I'm also pleased to be welcoming Julian Fantino back to the OACP as he takes the helm at the OPP as its new commissioner.

Today is a reminder of how important it is to provide the support that police chiefs need to do their jobs. Since October 2003, the McGuinty government's partnership with the OACP has resulted in achievements of which we can all be proud: The crime rate declined by 4.5% in 2005 compared to the previous year, and Ontario had the lowest crime rate of all the provinces for the third year in a row.

Together we have ensured the success of the Safer Communities-1,000 Officers partnership program. Of the 1,000 officers, nearly 150 are assigned to organized crime investigations and another 109 are assigned to guns and gang enforcement—areas of particular concern to the OACP.

Our combined efforts, in particular with GTA police chiefs, to get criminals with guns off the streets have gone further. The \$51-million anti-gun violence initiative announced by Premier Dalton McGuinty in January 2006 is increasing the police services' ability to deal with organized crime.

Through this initiative, we provided \$14 million to accelerate the implementation of the Safer Communities-1,000 Officers partnership program, and we earmarked

\$26 million for a new state-of-the-art operations centre for Toronto's guns and gangs task force. The funding also included \$5 million for the Toronto anti-violence intervention strategy, which resulted in the deployment of three teams of 18 officers in high-risk neighbourhoods. We will continue to address ongoing concerns of Ontario's police chiefs.

The OACP's partnership with the McGuinty government also extends to other ministries. The OACP has worked closely with the Attorney General to make possible the introduction of Bill 14, the Access to Justice Act. That bill, which was passed last week, aims to modernize the justice system, regulate paralegals, reform the justice of the peace appointment process and allow video testimony.

Our collaboration with the OACP is not limited to increasing enforcement and reforming the justice system; police chiefs and the McGuinty government also work together to support community-based crime prevention programs. The McGuinty government will soon announce its new \$792,000 safer and vital communities grant program. This program encourages communities, businesses and the police to work together to prevent crime in key areas, such as youth crime, guns and gangs and protecting children from Internet luring and child pornography. Our government will continue to do its part to ensure that our partnership with the OACP continues to thrive and that Ontario is safer and more prosperous as a result.

**1410**

Today, I'm pleased to salute the hard-working people who make up the Ontario Association of Chiefs of Police. Thank you for helping us to make Ontario a stronger and safer place in which to live, work and play.

#### ELECTORAL REFORM

**Mr. Norman W. Sterling (Lanark-Carleton):** I am pleased today to see the Electoral System Referendum Act come into place, but perhaps not for the same reasons as other members of the assembly. By putting the 60% approval rating on a new electoral system, it virtually renders the work of the citizens' assembly useless. This 60% threshold will not be reached in a referendum which will be held on October 4, 2007.

I want to explain exactly why our position is that way. It was explained in our dissenting opinion, of Mr. Miller and myself, in the select committee's report on electoral reform:

"With the present lack of trust by the public in their politicians, the temptation to seek change will be overwhelming. It will be difficult if not impossible for an objective assessment of the current system to be carried out due to the cynicism and distrust that has arisen towards politicians and the political process.

"We believe it would be a mistake to assume that cynicism and distrust have as their principal cause a concern by the population about how their elected representatives are elected. We believe the cynicism and



distrust have a lot more to do with what the elected representatives actually do once elected and to some extent how well or how poorly the institution to which they are elected actually functions, as opposed to the method of election.

"Consequently we believe that, prior to examining the method by which we elect our members of provincial Parliament, we should show the leadership necessary to reform the Legislative Assembly itself and its functioning in the public interest. These reforms should ensure a meaningful role for elected members and for the opposition parties, restore real accountability by the executive to the Legislature, regain real control by the Legislature as a whole over taxpayers' money and generally implement measures to cause the Legislative Assembly to function in a businesslike, productive and responsive manner."

We go on to say, "Accordingly we believe that we are putting a great deal at risk by merely continuing down the unduly narrow path chosen by one political party during one election campaign and based on a false premise, namely that this type of electoral reform will address the current levels of cynicism and distrust and improve the public's faith in the political process."

We go on, then, to say: "The government should focus its attention first and urgently on meaningful parliamentary reform. A citizens' assembly could be very objectively helpful in addressing this challenge, and real, immediate and lasting benefits would result. With those benefits would come increased public confidence. The current exercise should be put aside"—that is, the current objective of the citizens' assembly should be set aside—"in favour of this more sensible, more urgent alternative" to the way we run this institution.

Our position remains the same.

#### LOCAL HEALTH INTEGRATION NETWORKS

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** I'd like to make a response to the statement regarding LHINs. I would say that the verdict is probably still out on the LHINs. I know there have been many meetings, and although there has been some participation, I think the public input and public participation has been very disappointing. The public does not seem to be yet engaged in what's going on or even seem to be aware of it.

The minister did say one thing which I was pleased to hear: He made some sort of a comment about providing better care close to home. With that in mind, I want to draw to the minister's attention the reason why this is such a significant comment. It was an approach that our government used. Certainly, if we take a look at what happened this morning—the GTA/905 Strong Communities Coalition was here. They have pointed out that there is a huge \$1.5-billion annual funding gap. They're lacking \$551.5 million in social services funding and \$993.7 million in health care services. The gap results from a—

**The Speaker (Hon. Michael A. Brown):** Thank you. Responses?

#### ONTARIO ASSOCIATION OF CHIEFS OF POLICE

**Mr. Peter Kormos (Niagara Centre):** New Democrats join in welcoming Ontario's chiefs of police here to Queen's Park. We especially want to congratulate Ottawa's police chief, Vince Bevan, on his upcoming retirement, and applaud him and thank him for many years of service to this province and communities in this province, service which began many years ago in Niagara region with the Niagara Regional Police Service.

I want to say very, very clearly to the government that cash-strapped small and mid-sized Ontario communities are finding it increasingly difficult to maintain even core policing services. Police have been very effective with guns and gangs enforcement, but the reality is that the focus on Toronto has dispersed those guns and gangs throughout smaller communities outside of Toronto and metropolitan areas, and it's those smaller police services, the smallest up to the mid-sized, that need additional funding from this government. Courtroom security means an incredible burden on those communities, and this government has to step up to the plate to ensure adequate financing when it comes to courtroom security as well.

#### LOCAL HEALTH INTEGRATION NETWORKS

**Mr. Gilles Bisson (Timmins-James Bay):** I rise in regard to the comments made by the Minister of Health regarding local health integration networks, otherwise known as LHINs.

I've got to say a couple of things. First of all, what is quite interesting is the approach that the LHINs are taking to some of the services in our communities. We know, for example, that community care access centres, CCACs, are grossly underfunded, to the point that they're having to reduce services in communities like Hamilton and others across the province in order to deal with budget restrictions.

At the same time, these LHINs are basically taking away CCACs' decision-making, putting it further away from where the patients are. In our case in northeastern Ontario, the LHINs are going to be centrally regionalized in Sudbury or North Bay, to the detriment of all of the other communities around. So I say to the government across the way, I don't know what you're celebrating, because all I know from where I sit is that it's not going to be good for the people of our area.

#### ELECTORAL REFORM

**Mr. Michael Prue (Beaches-East York):** In response to the minister of democratic renewal: I have to say that today is a very black day and that I'm very disappointed with what you have come forward with. The



select committee set up by this Legislature and all members of all parties of this Legislature travelled across Canada and elsewhere in the world and unanimously came to a decision that recommended that 50% plus one should be the amount of people necessary to vote to change the electoral system. We did so because we were mandated to try to get more women, more aboriginals, more young people and more people of colour involved in the political process and eventually into this House.

The reason why we came up with this was quite simple: It has been the Canadian tradition, until British Columbia, to have 50% plus one. Fifty per cent plus one of the people of Newfoundland voted in 1949 to enter Canada; had they set it at 60%, it would have never happened. Fifty per cent plus one was set as the standard in Quebec to get out of Canada. I held my breath on that night and I'm glad they didn't get it, but it was democratic; it was 50% plus one. Even in terms of the fluoride in the water, it was 50% plus one in Toronto and in all the other municipalities.

Here we have a government setting a standard that failed in British Columbia, that was cynical, that was discredited. It was widely reported in the press and known by almost every single political commentator in that province that when British Columbia set the standard at 60%, they did so because they knew it could not be met and were counting on it not being met. They set it there because that's what was going to happen. In fact, when the people of British Columbia voted 57% in favour, all the discredited Premier could do was turn around and say, "We're going to do it again because perhaps we did it wrong," and in fact, he did do it wrong.

1420

You have set the standard beyond the traditions of this country. In fact, you have set the standard beyond the traditions of the entire world. The entire world understands that to change laws you need 50% plus one. We in this party and I'm sure all people know that this has been designed to fail. The people who have been set up, the people who are meeting every weekend, must know at this point that whatever recommendation they made has been designed to fail.

We want more women; we want aboriginals; we want young people; we want new Canadians. That's what is essential to happen here. It will not happen with your legislation. You should withdraw the 60% and come back with the democratic tradition of 50% plus one.

#### VISITORS

**Mr. Dave Levac (Brant):** On a point of order, Mr. Speaker: I'd like to welcome Chief Derek McElveny from the services in Brantford, a long-time friend and a homegrown Brantfordian. Thank you for being here.

Second, I'd like to say that this is United Nations Day, and we should all take pride in this House that the United Nations was given birth to by an idea from a Canadian. I want to thank us for having United Nations Day.

**Hon. Harinder S. Takhar (Minister of Small Business and Entrepreneurship):** On a point of order, Mr.

Speaker: I would like to recognize three individuals and welcome them to the Legislature: Gurcharan Singh and Rajinder Singh from Brampton, and Rachpal Singh, who came all the way from India.

**Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale):** On a point of order, Mr. Speaker: With your kind permission I want to recognize the delegates from the region of Peel who are representing here the Strong Communities Coalition. Their names are Shelly White, Edna Klaznek, John Huether and Jennifer Grass. I welcome them to Queen's Park.

#### ORAL QUESTIONS

##### SEX OFFENDERS

**Mr. Robert W. Runciman (Leeds-Grenville):** My question is for the Premier. Premier, yesterday convicted sex offender Malcolm Watson was told by a US judge that he had the option of serving his sentence in the comfort of his Canadian home rather than a US jail. The official opposition thinks this is a mind-boggling, horrific decision and hopefully not a precedent for US courts treating Ontario as a haven for sex offenders.

When your Attorney General was asked about this in a scrum today, he fobbed it off onto the federal government and the police. He didn't indicate he would contact the New York State Attorney General's office to ask for an appeal or to ensure that this decision doesn't become a precedent. He didn't suggest any action the province could take. Premier, is this an indication that you do not see any appropriate action your government can take to deal with this situation?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm delighted to take the question. I think the member opposite will know that I myself had an opportunity to speak to this as well this morning in a scrum, and I made it clear that it is certainly not a precedent that we're prepared to accept. I think we are of one mind in that regard.

I think the honourable member will also recognize that principal responsibility for dealing with an international issue like this lies with the federal government. We are more than pleased to lend our support to any actions that the federal government might take, and of course we're very much concerned with any particular jurisdiction south of the border that might want to use Ontario as a dumping ground for convicted felons. That's not something we're prepared to accept, it's not something we're prepared to tolerate, and of course we'll work hand in hand with the federal government to ensure that is not something that in fact takes place.

**Mr. Runciman:** The Premier cannot accept or tolerate, but no specific actions. The good folks living in the Niagara-St. Catharines area, given past history, are very upset about this situation. My colleague Mr. Hudak's office has been inundated with calls. He has written the



Attorney General. They're going to have a convicted sex offender living within their midst, and all you can say is, "It's somebody else's problem."

Premier, under the Community Safety Act, police chiefs can identify sex offenders in their communities and their locations. Are you prepared to encourage this to happen, and if not, why not?

**Hon. Mr. McGuinty:** We are prepared to explore any particular initiatives—and I appreciate the advice just offered by my colleague—understanding that ultimately it is the federal government that assumes responsibility for who comes into this country and who does not. We are prepared to take a look at this particular option; we're prepared to talk to our chiefs of police, some of whom have the benefit of being present here today; but most importantly, we will work hand in hand with the federal government to ensure that these kinds of individuals are not admitted to our country in the first instance.

**Mr. Runciman:** It's a common theme: dither, deflect, deny. It's always someone else's fault or responsibility.

Premier, there's another option for you to consider if you're serious about dealing with this, and that is an amendment to the sex offender registry to cover a person who is a resident of Ontario but who committed an offence outside this jurisdiction. The official opposition is prepared to move on this quickly and provide some level of protection from sex offenders who commit crimes outside our borders. Will you agree to work with us on this?

**Hon. Mr. McGuinty:** I'm mindful of the constructive nature of the proposal just put forward by my colleague, but I remain very optimistic that it will not come to this. I am confident that if we work together with the federal government, we will ensure that these kinds of individuals are not admitted to the country in the first instance. There has been a proposal that has been put forward—a suggestion by a member of the judiciary south of the border—that would see a particular individual, a convicted felon, have the option of spending some time here in a part of Canada. That is something we are not prepared to accept. Rather than contemplate the possibility, as my friend implicitly suggests, what I think we should do is work with the federal government, ensure that if an individual is here, he is sent out, and that the federal government take steps to ensure in a proactive way that this does not happen again in the future.

#### HEALTH CARE FUNDING

**Mr. Tim Hudak (Erie–Lincoln):** My question is to the Minister of Finance. The budget that was released on March 23, 2006, contained, of course, interim expenditures for that fiscal year. The public accounts were released five months later, which showed the final expenses for 2005-06. The minister is probably aware that there's a major discrepancy between those two sets of numbers when it comes to health care funding. Health and long-term-care expenses were \$1.4 billion less than had been estimated only a few months before. Hospital

expenses were also off by some \$755 million. The minister knows these numbers are extraordinarily off target. Will the minister please explain to the assembly what caused these \$1.4-billion and \$755-million gaps?

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I appreciate the question from my friend from Erie–Lincoln. I think he would want to acknowledge as well that when you look at the overall expenditures for 2005-06, our revenues were up somewhat and our expenses were down by about 1.5%. When you add all of that up, that provided the first surplus in the province of Ontario for quite some time. It was a modest surplus, but it was a surplus nonetheless.

I'm sure as well, when he's talking about health care expenses, that he would want to acknowledge, because I think he's had a briefing on this, that part of the difference there was the fact that in 2005-06, we were consolidating for the first time the budgets of all the hospitals in the province and were able to manage a reduction in expenditures when you add them all up. I think that's, frankly, good news.

**Mr. Hudak:** I say to the minister again that these are major gaps in his own numbers. Here's what the minister said in public accounts when comparing the forecasts: "Health care spending was \$528 million lower than forecast, primarily due to the ... consolidation of the hospitals sector." That would leave Ontario taxpayers with the impression that consolidation of the hospital sector lowered expenses. In fact, that would be a false conclusion. It's just the opposite. Hospital expenditures after consolidation were actually up by \$755 million. The reality is that the rest of the health and long-term-care budget was over \$1.4 billion less than promised.

Will the minister please explain the \$1.4-billion hole in the health care budget and tell the assembly why he has offered no explanation for this gap in the public accounts?

1430

**Hon. Mr. Sorbara:** I must confess I'm having a little bit of difficulty understanding where my friend from Erie–Lincoln is coming from. I know that, were his party in government, what they would be doing is removing \$2.5 billion out of the health care budget. What he has been advocating by doing that is closing hospitals, reducing the quality of home care and reducing the quality of long-term care.

Since we have come to government, we have increased expenditures for hospitals by 4% this year, by 4.7% the year before and by 4.3% the year before that. We are also charged with the responsibility, I want to tell my friend from Erie–Lincoln, of managing with great discipline and prudence every single penny we spend, and we will continue to do that on behalf of the taxpayers of this province.

**Mr. Hudak:** It's hard to believe that the books are fully transparent when you see gaps of some \$1.4 billion on the non-hospital spending and a \$755-million misstatement on the hospital statement.

This is particularly concerning in a highly sensitive area like health care, as the minister would agree. The



minister's claim in public accounts, I would say to him with all due respect, does not meet with the facts, and thus far the Ministry of Finance has failed to disclose what actually happened with that \$1.4-billion misstatement in the health and long-term-care spending.

The minister knows that these kinds of obligations for full disclosure immediately are standard in the OSC, for the SEC, for GAAP or PSAB accounting rules.

So I ask the minister again, has the minister violated his own standards that they regulate through the OSC? Has he broken his promise to the hard-working taxpayers in the province of Ontario? And most importantly, when will the minister actually come forward in the assembly and tell us what really happened with health care spending the last fiscal year?

**Hon. Mr. Sorbara:** This is magnificently strange, coming from a member of the Progressive Conservative Party. I want to tell him very clearly that in 2005-06 we were able to manage our expenditures in health care so that when the final numbers were in, we saved about \$1.4 billion on a \$35-billion-plus budget. That's good management.

He talks about transparency. In 2003, the Progressive Conservative government presented a budget which they said would be balanced. Five months later, when we took power, there was a \$5.5-billion hole. As a result of that, this assembly passed the Fiscal Transparency and Accountability Act so that that kind of behaviour could never happen again in the province of Ontario.

#### COLORECTAL CANCER SCREENING

**Mr. Howard Hampton (Kenora-Rainy River):** To the Premier: During the last election, you promised to make colorectal cancer screening publicly available to all adults over the age of 50. On February 28, April 11 and October 16, your health minister repeated this commitment here in the Legislature.

My question is this, Premier: Where is the public colorectal cancer screening program, covered by OHIP, that you promised?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I know that the Minister of Health can speak to this in more detail, but let me just say this at the outset. We have, together with Ontarians, particularly those who devote themselves to working day in and day out in our health care sector, made some significant progress, whether it's in terms of the number of doctors who are practising in Ontario, the number of nurses who have been hired on, the number of patients who have found access to Ontario physicians, the number of home care opportunities we've created, and the like. And of course we've got wait times down.

We have one quarter left in this mandate. I know that the leader of the NDP waits eagerly for us to deliver on yet another commitment, and we look very much forward to doing so ourselves as well.

**The Speaker (Hon. Michael A. Brown):** Supplementary?

Before it's asked, I might just remind members that questions should be placed through the Speaker. That means that when you're placing the question, you always refer to other members in the third person.

The leader of the third party.

**Mr. Hampton:** Well, Premier, we still don't have a publicly funded colorectal cancer screening program, but if people have thick wallets and can afford to pay \$495, they can go to the Cleveland Clinic Canada here in Toronto. It's an American-style, profit-driven private health care corporation now operating right here in Toronto. It's exactly the kind of pay-your-way-to-the-front-of-the-line health care you promised to keep out of Ontario.

My question: Is it acceptable to the McGuinty government that patients with thick wallets can purchase colorectal cancer screening from a profit-driven American health corporation here in Toronto while other Ontario patients who do not have thick wallets do without?

**Hon. Mr. McGuinty:** I'll refer this to the Minister of Health.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** The honourable member has sought to somewhat confuse two issues. Most certainly, we seek to be the first jurisdiction in Canada that moves forward with a universal colorectal screening program—I've been candid with the honourable member, as I was with the critic from his party when she asked the question just about a week or so ago.

The delay at present has been my desire to ensure that the model that comes forward appropriately uses our primary health care providers, be they community health centres, doctors or nurse practitioners, to be directly involved in encouraging a high degree of testing. Other models that have evolved in Europe have not experienced as high a degree of participation as we would prefer, obviously given the opportunities to help people save lives by detecting any growing cancer early.

We're working to get it right, and I can tell honourable members that we'll be coming forward very, very quickly with such a program.

**Mr. Hampton:** The Minister of Health says that the McGuinty government is "working to get it right." Meanwhile, a profit-driven American health care corporation puts out brochures like this, saying that if you've got a thick wallet in Dalton McGuinty's Ontario, you can get colorectal screening and a lot more. You can get state-of-the-art diagnostics, offered by some of the best medical experts; you can get timely follow-up and individualized treatment solutions; and you can get seamless referral service for care in Cleveland. This looks a lot like two-tier medicine, but I know that the people of Ontario believe in medicare.

My question for the Premier is this: Why does the McGuinty government allow profit-driven, private American health care corporations to turn back the health care clock to the day when wealthy individuals can pay their way to the front of the line while people who are not wealthy do without the health care service?



**Hon. Mr. Smitherman:** The honourable member stands in his place today and talks about how much the people of Ontario love medicare. But when the vote came down in this Legislature, that honourable member didn't have the wherewithal to stand in his place and support the Commitment to the Future of Medicare Act. Now the honourable member seeks to pretend there has never been a circumstance in Ontario when a service that is not insured, not presently part of OHIP, hasn't been available in an offer from other providers. This is what the honourable member seeks to pretend his way through in the Legislature today. We know that's not the case.

But it doesn't separate the clear point, which is that we are going to be the first jurisdiction in Canada to move forward with a colorectal screening program that has the potential to advantage many Ontarians. That's why we're working so hard to ensure that the program design is bang on to deliver the best result for the investment of public dollars.

### WATER QUALITY

**Mr. Howard Hampton (Kenora-Rainy River):** Meanwhile, people see two-tier medicine breaking out across Ontario.

To the Premier: Yesterday, when I spoke up for the people of Pikangikum—Ontario citizens being denied safe drinking water—your minister defended your inaction by blaming the victim, by blaming First Nation communities for unsafe drinking water because, he says, they never asked your government for help.

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. I need to be able to hear the member place his question.

The leader of the third party.

**Mr. Hampton:** Grand Chief Stan Beardy, of Nishnawbe Aski Nation, says that nothing could be further from the truth. He has written to you, and he says, "Contrary ... to David Ramsay's comments in response to NDP leader Howard Hampton ... NAN has been at the fore in addressing safe drinking water concerns by lobbying both treaty partners—Ontario and Canada."

My question is this: Why isn't the McGuinty government being straight with the people of Ontario about tainted water in First Nation communities?

1440

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the minister responsible for aboriginal affairs.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I wish the leader of the third party had been straight in the House in interpreting a letter that he brought forward to the House yesterday. I have a copy of the letter now. It only arrived at the health minister's desk yesterday afternoon, after question period. In following up the letter, I called the deputy chief and spoke to him about an hour ago. The request from the chief of Pikangikum is not for us to intervene directly in the situation but to act as an advo-

cate on his behalf and call a meeting with the representatives from Ottawa to hold their feet to the fire.

*Interjection.*

**The Speaker:** Minister of Northern Development.

**Mr. Hampton:** I guess I have to quote not only from Grand Chief Stan Beardy's letter but from the chief's letter: "Please consider this to be a formal request for your involvement in the situation facing Pikangikum First Nation, with the type and extent of this involvement to be discussed primarily with us, and secondarily with the federal departments of Indian Affairs and Health Canada, and then only in our presence." So he's saying he wants your primary attention to this, and then secondarily he wants a discussion with Ottawa. But don't say that they didn't write to you.

The question is even more interesting than that, because yesterday this minister told reporters he was unaware of the Ontario government's historic role in bringing safe drinking water into the homes of First Nations. I already asked you that question last November when I pointed out that Ontario had invested over \$118 million to help bring safe drinking water. Why is the McGuinty government now denying that historic fact—

**The Speaker:** The question has been asked.

**Hon. Mr. Ramsay:** I'm very glad that the member directly quoted the letter. That's going to save me the time doing that. As I think the members of this House now realize, what the chief has asked us to do is to become their advocate on their behalf to the federal government to live up to their responsibility. I committed to the chief that I would do that, and that letter is being drafted as we speak. I will sign that after question period. That letter will go off to Jim Prentice and to the Minister of Health. We have already talked about having a meeting up in Thunder Bay to deal with this situation.

Again, I think the leader of the third party owes this House an apology to make it clear that this First Nation wants us to help them make sure Ottawa lives up to its responsibility.

**Mr. Hampton:** I produced two letters—one from the Grand Chief of Nishnawbe Aski Nation asking the McGuinty government for help; one from Pikangikum First Nation's chief—and the McGuinty government says that this is somehow not true.

The only problem I have with the truth is that the minister said yesterday he had an imminent meeting set with his federal counterpart. We called his federal counterpart, who says there has been no meeting scheduled between this minister of the McGuinty government and federal officials. What we see here is once again the McGuinty government seeking to blame someone else, seeking to play political football with the issue of safe drinking water for First Nations. I simply say to the Premier, what's it going to take for the McGuinty government to assume responsibility—

**The Speaker:** Minister?

**Hon. Mr. Ramsay:** The Honourable Jim Prentice has agreed to a meeting, and our staffs are working to set up a time for that meeting. The plan now is to have a



meeting over the phone to set the agenda, and next week to have a face-to-face. But this is the type of thing that the member wants to argue about.

What's important here is the quality of water in our First Nations right across northern Ontario. That's what is important and that's what we're working on. That's why the chiefs have asked us to be an advocate for them and not to let the federal government off on this responsibility. It is their responsibility, and we have a record of letters that we have written and meetings where we've had dialogue with the minister. The federal government very well knows the position of the Ontario government: that it's a federal responsibility to provide clean, safe drinking water to First Nations across this province.

### HEALTH CARE FUNDING

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** My question is to the Premier. Today, the Strong Communities Coalition had a press conference here, and they presented clear evidence, based on an audit done by PricewaterhouseCoopers, that provincial funding for health and social services in the GTA/905 has not kept pace with a rapidly growing number of residents in those communities. In fact, when we take a look at per capita funding for these services, the total gap is \$1.5 billion and growing.

These people do need timely and local access to human services. I know there have been discussions with your government, and I know you've indicated to these people that you understand. My question to you today: Will you demonstrate your commitment by beginning to address this growing population funding gap in your Economic Outlook and Fiscal Review this fall?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Finance.

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** To my friend, I just say that we're going to be presenting the fall economic statement in a couple of days in this Legislature.

I had an opportunity to review the materials prepared by the Strong Communities Coalition, and I commend them for their work. I think one of the things they indicate clearly, and it's one of the things this government acknowledges, is that the regions of York, Peel, Durham and Halton are growing very rapidly. We've been making very significant investments in those communities, not only in strengthening the business components of that community but in the things that the strong coalition group advocated: the social and health services in that community. So we're working with the group. I know that my colleagues representing those areas are making strong representations in that regard, and we're going to do what we can to continue the strength of all of the 905 area.

**Mrs. Witmer:** I say again to the minister: Certainly there is a growing problem. Our government recognized the need for these people to have services close to home. As you know, we built new cardiac centres, new cancer centres, and we also expanded MRIs.

These people are actually paying one quarter of the total revenue that your government is collecting through the health tax, and yet the funding gap has grown dramatically since 2003. So I would ask you again, are you prepared to start to address this inequity in your fall funding statement? And are you also prepared, as we move forward—I would ask you to seriously consider this, Minister—to revise the way that you provide funding, and to do so on a population-based growth and characteristics model?

**Hon. Mr. Sorbara:** I'm surprised at the way in which my friend has characterized what they did in this growing area during the time that she was in government. I just want to point out that we are building two new community health centres in the 905—one in Vaughan and one in Bramalea. We're developing four new cancer centres, two new cardiac surgery programs and five new regional dialysis units. That's not to talk about the hundreds of millions of dollars that we're investing in transit, which is really a foundation for the entire community.

I am not trying to suggest that my friend did nothing during her time as health minister. I just want to wonder out loud, because I think the people wonder how you would meet those commitments, given your party's program of cutting \$2.5 billion out of health care. It's the 905 that would suffer under that kind of policy.

**Mrs. Witmer:** On a point of order, Mr. Speaker: Our party has never, ever—

**The Speaker (Hon. Michael A. Brown):** Order.

*Interjection.*

**The Speaker:** The member for Lanark-Carleton will withdraw that statement.

**Mr. Norman W. Sterling (Lanark-Carleton):** I'll withdraw that it's a lie.

**The Speaker:** Could we just withdraw?

**Mr. Sterling:** I'll withdraw.

**The Speaker:** Thank you.

1450

### HOSPITAL SERVICES

**Mr. Howard Hampton (Kenora-Rainy River):** My question is for the Minister of Health. Grand River Hospital's emergency room nearly closed on October 1. Since then, Kitchener-Waterloo residents have been very worried that it may yet close, and they've been very worried about the understaffing.

You promised weeks ago that Mr. Tom Closson would become the regional provincial investigator as well as the supervisor for Grand River Hospital's emergency room situation. But we have learned that instead of going to Grand River and meeting with the emergency room doctors and nurses, Mr. Closson has been on an unrelated trip to England. Minister, how much are you paying Mr. Closson, and exactly when is he going to show up at Grand River and start doing the job you promised he was going to do weeks ago?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** Firstly,



Tom Closson has been in the Kitchener-Waterloo community. He brings to his work a foundation of knowledge, which sets him, I think most people would agree, ahead of the pack. He is, to the best of my knowledge, the best we have in terms of public health administrators. Frankly, the circumstances in Kitchener-Waterloo, in our opinion, dictate that we put the very best people on the file.

It's not the only thing we've done, obviously. St. Joseph's hospital here in Toronto has been tremendously helpful, and the doctors and other front-line health care providers in Kitchener-Waterloo have been doing a fantastic job. Good progress is occurring there. We recognize that there's more work to do to give the people in that community all of the confidence that they need, but our dedication to this is not appropriately called into question by the honourable member.

There is more work to do to stabilize the circumstances at all of Ontario's emergency rooms. That's work that is currently under way and will be directly aided by the expertise of Tom Closson working more particularly in the Kitchener-Waterloo community.

**Mr. Hampton:** Not only is Mr. Closson missing in action, but you told reporters last week that your province-wide emergency room strategy would be released early this week. Now you're telling us that it may be in seven days, perhaps 10 days. Meanwhile, emergency rooms are in crisis across the province, from Kitchener-Waterloo to Sault Ste. Marie. Wait times for treatments in emergency rooms are shamefully long, and wait times for the McGuinty government to keep their promises are even longer.

My question is this: Where's the emergency room report you promised? Where's the action to fix the emergency room crisis gripping more and more Ontario hospitals?

**Hon. Mr. Smitherman:** There's no evidence to the last part. I did not say that the report would be released early this week. He made that up.

It's interesting, isn't it, that in the last week or two when he was on his feet, he talked always about the Manitoba model? Today, we had an inquiry from the Minister of Health's office in Manitoba: "Do you have any ideas that we might draw upon here in Ontario to address the challenges that we're currently experiencing with emergency room coverage?"

The honourable member's credibility on this issue was already weak enough, given that he sat on his hands and kept quiet while the doctor shortage was being created. He's the daddy-o of the doctor shortage in Ontario, and now he's bringing even more disinformation to the subject at hand.

#### EDUCATION FUNDING

**Mr. Brad Duguid (Scarborough Centre):** My question is to the Minister of Education. We all know the importance of a well-funded public education system. When you look at the Tory record on education, quite

frankly, it's horrific. They lost teachers, encouraged parents to send their children to private schools, neglected our school infrastructure, and left many students learning in unhealthy environments. In stark contrast, in the three short years that we've been in government, we've reached peace and stability in our schools, we've increased the graduation rate, lowered primary class sizes, and seen improved literacy and numeracy scores. This could not have been accomplished without a significant change to the education funding formula. The system was broken, and we're fixing it.

Can the minister tell the House what the McGuinty government has done to ensure that our changes to the funding formula will reach each and every student?

**Hon. Kathleen O. Wynne (Minister of Education):** Thank you to the member for Scarborough Centre for his question. I do appreciate the opportunity to talk about this issue, because I know that it's a hot one in the province at this moment.

Since we were elected, we have been fixing a broken funding formula that we inherited from the previous government. We've provided funding for 7,000 more teachers. We have provided, just in Toronto alone, 1,185 teachers for the Catholic board and the public board. In the member's riding, there are 40 capital projects that are ongoing because of money we've invested in the system.

Not only have we put more money in the system; we've also fixed the funding formula in the sense that we've created new categories. The school foundation grant provides money for principals and secretaries for small schools. That was completely overlooked in the drafting of the funding formula when the previous government presented it.

I've been working with the school boards, and I look forward to continuing to do so.

**Mr. Duguid:** Although I represent an urban constituency, I know our rural and northern caucus members are seeing the results of the changed funding formula as well. One of the recommendations we've heard from stakeholders is that they'd like to see the release of the grants for student needs earlier to help them plan for the 2007-08 school year. Other stakeholders have mentioned they want an independent review of the funding formula.

We know the funding formula is a work in progress and that the minister is working on changes for next year. Can the minister tell this House what her next steps are with respect to the funding formula, and can she commit to when the grants for student needs will be announced?

**Hon. Ms. Wynne:** I've already committed to boards and to the partners in education to have the funding information to them by early spring. I know they need that funding information to get their planning going. A letter is going out today from my office to all boards, trustee associations and education partners, including CUPE, to ask for their input on the funding formula.

Every year, we've talked to our partners to lead up to the budget and the GSN announcements. This year, I'm being very intentional about asking that question of our education partners. I'm looking for common ground; I'm



looking for themes and local pressures. I can't speculate on the amount of money, but what I can tell you is that there's been a call for a massive teardown and rebuild of the funding formula. I'm not willing to do that, because we can't afford to lose that time. We could call a review now and have an answer in 18 months. We need to know now what the pressures are, and I've asked the boards to provide that to me.

#### RESPITE CARE

**Mr. Frank Klees (Oak Ridges):** To the Minister of Health: Minister, yesterday I brought to your attention the plight of Rosa and Carlos Tavares. I explained to you yesterday that in moving from Mississauga to Richmond Hill, Mr. Tavares's respite care was cut off.

I'd like to ask you today what steps you've taken to ensure that Mr. Tavares's care is reinstated, and perhaps you could also explain why, under your watch as Minister of Health, health care in this province is so inconsistent from one region to another.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** Firstly, I'll say to the honourable member that I believe that information may have been passed on to his office even while we've been here. I don't have a particular update for him, but I believe that information has been relayed from my staff to his.

I think on the matter, though, of equitable access to services, the honourable member's on to something. If he wants to lay all of that responsibility at our feet, that's okay, but the reality is that the health care system, as it has evolved over decades, has not necessarily been able to create an equitable output. The reality is that one of the most powerful elements of local health integration networks, by creating a consistent boundary and by measuring information on a consistent basis within it, actually gives us the evidence we need to be able to address inequity.

I agree with the honourable member that there's dramatic work that needs to be done on this. The community of Ottawa, just as one example, when we came to office seemed to have been forgotten about in a variety of ways, and especially with MRIs. So LHINs are actually going to be helpful to us in delivering a more equitable result, which we all agree must be a principle and a feature of a public health care system.

**Mr. Klees:** I'm going to assume, then, that the minister will ensure that Mr. Tavares's care will be reinstated.

With regard to his mention of Ottawa, the March of Dimes confirmed with me, for example, that just recently a university student from Ottawa had their funding that was being received in Ottawa transferred to York region, so it's not impossible to have funding transferred from one region to another.

1500

My question to the minister is: If it is possible to have funding follow the client, why in the case of Mr. Tavares

did that not happen, and will he ensure that that care will in fact be reinstated to Mr. Tavares without any further delay?

**Hon. Mr. Smitherman:** When you speak of the March of Dimes, I believe you're speaking of a program that is an individualized funding program. That would lend itself more easily to the kind of cross-local health integration network or regional basis that the honourable member speaks about. We'll look at the matter. I can't give him any further information. As I said, that's been passed along to his office.

But at the heart of it, we released annual reports of local health integration networks today. If we look at those reports and at the mechanism there, we're starting to create more of the comparative capacity to make adjustments on funding allocation that address the inequities that we're speaking about. I realize that this is question period and it's all rhetoric and politics—or largely—but I do believe that this initiative is one of those pieces of the puzzle that is necessary to produce a more equitable result, which is a principle of the public health care system that we very much agree with.

#### CONSUMER PROTECTION

**Mr. Peter Kormos (Niagara Centre):** To the Premier: Last week, your government talked about the dangers of online gambling websites when it introduced legislation that it said would ban advertising of those websites. Currently there's a banner advertisement for the World Poker Tour website featuring online gambling on the Fallsview Casino home page, on their website. Premier, how is it that the government on the one hand can talk about the dangers of online gambling, the need to ban the advertising of it, yet at your very own casino you're advertising online gaming?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Government Services.

**Hon. Gerry Phillips (Minister of Government Services):** By way of background for the public, what we've run into is our business community saying to us, "We're operating by all the rules and we've got some competitors here that are operating illegal gaming sites on the Internet." So what we said was, "We're going to amend our Consumer Protection Act to prohibit people from advertising illegal Internet gaming sites"—very simple.

Now, once the bill is passed, a matter like the member is talking about will be dealt with. I'm not going to determine in advance whether that is legal, illegal. That's up to a court to decide. What we want to do is make sure that we have legislation that will ensure that illegal Internet gaming sites are not advertised. Then, of course, we'll deal with the matter.

**Mr. Kormos:** Last week you said there was a need to protect vulnerable consumers, including underage youth, by prohibiting advertising for illegal Internet gaming websites, knowing that you couldn't prohibit the activity.



You talked about vulnerable consumers. You talked about underage people gambling. Your casino not only promotes online gambling on its website but, when I called their further information number at 1:10 p.m. today, your Fallsview Casino told me to type in “ultimate bet” or “paradise poker” to play along on the Internet with the World Poker Tour website at Fallsview Casino.

How is it that you can talk a big game about protecting consumers but when it comes to your own casino, all you're doing is bluffing?

**Hon. Mr. Phillips:** Again I say to the public, what we are proposing in our legislation is that, if passed, it will ban the advertising of illegal Internet gaming. We then deal with the bill and we let the courts decide. So I just say to all of us, let's not get ahead of ourselves here. I'm not going to prejudge and make the decision that is a court's decision. Let's pass the legislation that will ban advertising of illegal Internet gaming sites and then let the courts decide that.

#### SUPPLY MANAGEMENT

**Mr. John Wilkinson (Perth-Middlesex):** My question is for the Minister of Agriculture, Food and Rural Affairs. As you know, the supply management sector of our agriculture industry has proven itself an effective way of ensuring that farmers earn stable, profitable income. For years, Farmgate5 has proven its ability to provide the high-quality products consumers demand at a fair price for both farmers and consumers. I regularly meet with local farm representatives in my riding, including the Perth County Federation of Agriculture. During these meetings, my local farm leadership regularly repeat the call for both the provincial and federal levels of government to continue defending the interests of my farmers dependent on supply management. Minister, can you please tell this House today what our government is doing to protect the interests of supply-managed producers?

**Hon. Leona Dombrowsky (Minister of Agriculture, Food and Rural Affairs):** I thank the honourable member for the question. He does listen carefully to the issues in rural Ontario and the issues of agriculture. Members of the opposition laugh at that. I think the agriculture community is very concerned that they don't ask any agriculture questions; they're not prepared to advocate for their industry, as our members are.

Last week, the Chicken Farmers of Ontario were here in the Legislature, and the one point they wanted all of us to hear and wanted our commitment on was that our government would continue to demonstrate our support of supply management. I went to the WTO trade talks in Hong Kong to support them in that initiative. That has been demonstrated very clearly by our government. They're very concerned that the federal government, however, has brought forward their plan to disband the Canadian Wheat Board, and the supply management folks are worried that they will be next on the federal government chopping block. We can say in this House that our government is absolutely—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister. Supplementary?

**Mr. Wilkinson:** It's reassuring to hear that our government is strongly defending the interests of supply-managed farmers. What troubles me is that the official opposition seems to be aligning with the group that has publicly and repeatedly opposed supply management. According to one of the Ontario Landowners Association discussion papers, this organization wants our supply-managed sectors to become “optional.” There is no such thing as optional supply management. This is very troubling to Ontario's poultry and dairy farmers and to the rural communities that depend on them. Supply management is what enables the poultry and dairy farmers in my riding to succeed.

The leader of the official opposition obviously is quite comfortable sitting down and talking with the group that wants to dismantle supply management. Minister, can you reassure the supply-managed farmers in my riding that our government will protect their livelihoods?

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** That's a good question.

**Hon. Mrs. Dombrowsky:** It's a very good question. I think it is very troubling that the Leader of the Opposition would make a deal with a group, with Randy Hillier—a group that is actually promoting that it thinks supply management should be optional. There's no such thing as an optional supply management system.

I'm going to quote the member from Leeds-Grenville, who last week said, “... the Ontario Landowners Association, on a broader scale—the derision emanating from the Liberal benches, suggesting that these people are something to be afraid of.... offends ... the Progressive Conservative Party.” Well, I say that what offends the people of Ontario are threats of violence and intimidation. People who employ these tactics are now making deals with John Tory and his caucus. These are the people who would put supply management at risk.

Our government is committed to protecting supply management. We are on the side of supply management, John Tory is making deals with Randy Hillier—

**The Speaker:** Thank you.

#### TRANSIT FUNDING

**Mr. John O'Toole (Durham):** My question is to the Premier. Yesterday I was reading the Globe and Mail and was quite impressed by the very welcome and ambitious ad talking about improvements that GO Transit intends to make, not just at Union Station but across the system on which they provide the service. It included longer trains, larger platforms and an additional 400 passenger trains per day. You would know that one 10-car train takes 1,400 cars off our gridlocked highways and they make our environment cleaner.

When you announced, in your last budget, over \$1 billion, there was very little money for the region of Durham; as was commented on by Roger Anderson, very little money east of Toronto.



1510

Premier, will you assure the House that your government is committed to providing Durham region and the eastern GTA the same level of service you've planned for other communities?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The Minister of Public Infrastructure Renewal.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** I'm delighted with the question, because I have had conversations with Mr. Anderson, the chair of Durham region. They have recently uploaded transit into Durham region, and we are very eager to work with them as they're able to develop a transit plan for Durham.

But the member mentioned GO Transit. We celebrate the billionth rider. In fact, we have fully funded the 10-year GO capital plan in association—a strategic infrastructure investment—with our federal partners. Since 2003-04, the province has committed approximately \$1.6 billion to GO Transit, including—I hope the member will listen—\$830 million this year. These are historic investments in a regional transit system that are long overdue, which I would note that this member and his government had previously downloaded onto municipalities.

**Mr. O'Toole:** To this government and this minister in particular, and I would hope that the Premier would also be listening: What Roger Anderson actually said about your funding for transit in the last budget was that you're spending a lot of money west of Yonge Street and very little east of Yonge Street. I believe that remains the record today.

When I listen to the reports on gridlock in our infrastructure, our devastated infrastructure, you really have no plan. I see that your promises are up, but your delivery on these promises is down. You promised to raise the issue of transit within Durham region, and you've actually done nothing about it. In fact, gridlock is worsening day by day. I would ask you once again to commit today to look at improving services of GO Transit to the east of Toronto. Will you promise that today to the constituents of the region of Durham?

**Hon. Mr. Caplan:** I still haven't heard an apology from the member opposite for downloading transit onto Durham. It was this government making the investment, I'm sure the member would want to acknowledge, in the Lakeshore east corridor, a third track added between the Don River and Scarborough station to allow more service between Toronto and Durham region and increase rail service on the Stouffville corridor. The budget amount for engineering construction is \$62 million. GO Transit is currently undertaking the environmental assessment for the project, and it will be completed in 2009.

But there are other investments in the region of Durham that I'm sure the member would want to acknowledge: Highway 401, \$61 million for highway widening from Harwood Road to Salem Road; Highway 401, \$6.4 million to resurface from Stevenson Road to Salem Road; Highway 7A, \$8.4 million; Highway 7—

*Interjection.*

**Hon. Mr. Caplan:** My colleague asks, "How come Durham gets so much from this government?" It's because this government—

**The Speaker (Hon. Michael A. Brown):** New question.

#### FAMILY RESPONSIBILITY OFFICE

**Ms. Andrea Horwath (Hamilton East):** My question is for the Minister of Community and Social Services. The FRO mistakenly issued my constituent Brandi Thorne a manual cheque for her September support payment and then deposited the same amount into her bank account, so she went and ripped up the cheque. The FRO is now withholding her October payment as security in case the cheque is actually cashed, but this was after the FRO told Ms. Thorne to complete the lost-cheque form, have it notarized and return it to them, which is everything she did. In fact, she took an unpaid day off work to get the form sworn as an affidavit. But now the FRO says that her funds are going to stay frozen for up to another 30 days anyway, just to make sure that the cheque isn't cashed.

My question is twofold, Minister: Why haven't you fixed the FRO computer problems that lead to these kinds of situations, and will you intervene personally to unlock the FRO's deep-freeze and ensure that Brandi Thorne gets access to the money she needs?

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for francophone affairs):** **Hon. Madeleine Meilleur:** Yes, there was some difficulty early in September with the computer system at the Family Responsibility Office. We were very quick in responding and providing cheques to those in need. Unfortunately, after that, some received two cheques. We are trying to correct the situation, and we have communicated with the individuals involved and tried to solve the problem.

If the member from the third party has a problem, I cannot discuss it; she knows perfectly that I cannot discuss any particular case in this House. But I'll be willing and glad to sit down and try to understand and work out a solution.

**Ms. Horwath:** Minister, the FRO told my constituent to provide a sworn oath, and then they bumped her to the back of the red-tape lineup while withholding her support payments. Listen to what Ms. Thorne says—this is in her own words: "Between now and November 1, I have daycare to pay for, my fifth mortgage payment on my very first house, car and house insurance and two cheques for school photos, all of which will bounce and cost me more money."

Minister, many women have been hit with bank penalties, late payment fees and interest charges because of your FRO boondoggle. Along with fixing Ms. Thorne's specific issues, will the McGuinty government agree to reimburse all FRO clients for their extra costs resulting from your inability to get their support payments to them on time, just like you were trying to get when you were in opposition?



**Hon. Mrs. Meilleur:** I say to the member of the third party that the FRO is a good process and helps a lot of individuals, especially women, to get the benefits they should get from the payers. I will also say that we were very quick in responding to the problems we experienced because of an old system that we're in the process of replacing.

I will offer this: Why don't you call my office and we will work to help this lady to solve her problem? If some of them have experienced extra fees, we will look at each individual case and support and help them through this difficult time.

### REGULATORY MODERNIZATION

**Mr. Kevin Daniel Flynn (Oakville):** Today I have a question for the Minister of Labour. Tomorrow you will introduce second reading of Bill 69, the Regulatory Modernization Act. This legislation, if passed, will reform the way regulatory ministries deal with the province's business community.

I understand that it's the intention of the legislation to strengthen the tools that our inspectors need to do their jobs more effectively. It also gives Ontario's businesses the support they deserve to more efficiently meet their own responsibilities. Currently, we have 13 regulatory ministries, whose mandate is to inspect, investigate and enforce under various statutes. All 13 are part of this legislation, which your ministry's inspections, investigations and enforcement secretariat is leading. Ontarians agree that this co-operation is impressive.

Minister, please tell this House how this legislation will affect Ontario and its businesses.

**Hon. Steve Peters (Minister of Labour):** I'd like to thank the member for Oakville for his hard work, dedication and commitment to the public service here in the province. We recognize that improved communication means less duplication. The RMA, if passed, will allow ministries to work together more effectively. It will improve their ability to interact with the business community, because improved communication means less duplication, and less duplication means fewer headaches for our businesses here in the province.

We're committed to changing our approach. By changing that approach, we can use compliance information more effectively, we can target our enforcement efforts where they count and we can reduce duplication in compliance activities. It just makes sense.

This bill is part of a wider strategy, as we move forward, that includes performance-based strategies to recognize companies with exceptional records and target enforcement efforts—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister. Supplementary?

1520

**Mr. Flynn:** Thank you, Minister. That's great news.

I understand that your inspections, investigations and enforcement secretariat is simultaneously pilot-testing a small business compliance improvement project in the

auto body sector, with association support. The secretariat is working in co-operation with the Ministry of Small Business and Entrepreneurship and the Ministry of Economic Development and Trade. As I understand it, the pilot project is designed to help small businesses better understand their unique compliance challenges. It has also involved them in developing tools that assist them to meet their compliance requirements.

We know that small businesses already face enough challenges and that as a government we should nurture their growth. Could you please inform this House on the status of this very innovative project?

**Hon. Mr. Peters:** I will refer that question to the Minister of Small Business and Entrepreneurship.

**Hon. Harinder S. Takhar (Minister of Small Business and Entrepreneurship):** I also want to thank the member from Oakville for asking this question. We are actually very, very proud of this initiative, and I want to thank the Minister of Labour for really taking a strong leadership role on this initiative.

For the last several months, we have been consulting with this sector. We wanted to know from them what key issues were really facing this sector so that we could address them. Based on the input that we received—they told us they wanted to make sure that the information was readily available to them and that it was on one site. That is why we have created this one-stop shopping where they can actually go and look for the information for compliance. From our point of view, this initiative has been very, very successful, and we look forward to working with the Minister of Labour on the—

**The Speaker:** Thank you, Minister. New question? The member for Oshawa.

### WASTE MANAGEMENT

**Mr. Jerry J. Ouellette (Oshawa):** Thank you, Mr. Speaker. I know this is a question that is of strong concern to you as well as your constituents. It's a question to the Minister of Northern Development and Mines. The dump sites at Vixen Lake, Garden Lake and Ranger Lake have all been closed now. What's taking place as a result of this is that all these individuals and unorganized townships are now taking all their garbage into the municipalities that are organized, which is putting pressure on the organized townships. So what we're seeing here is a reorganization and a reassessment taking place in all these unorganized townships. Are those reassessments a result of the pressure being put on those organized townships from your closing of those unorganized dump sites?

**The Speaker (Hon. Michael A. Brown):** Minister of Northern Development and Mines? Minister of the Environment?

**Hon. Laurel C. Broten (Minister of the Environment):** I'll let the member opposite know that obviously the responsibility to manage waste is that of the municipalities.

In the north, there are very different challenges. The Ministry of the Environment works very closely with all



of our communities in the north to assist those communities and make sure that they have the tools they need to be able to manage their waste in those communities. We have wonderful and responsible and dedicated people, men and women, who work in the Ministry of the Environment, and they are available to assist with those communities, and are already doing so on an ongoing basis.

#### MEMBERS' COMMENTS

**Mr. Robert W. Runciman (Leeds–Grenville):** On a point of order, Mr. Speaker: I'd like to refer you to standing order 23(h) and (i). There was an exchange earlier during question period in a set-up question to the Minister of Agriculture from the member for Perth–Middlesex. I would indicate to you, Mr. Speaker, with the comments made that the member and the minister were making allegations against another member of this assembly, which is purely a breach of the standing orders, as well as imputing false or unavowed motives with reference to comments made by the Minister of Agriculture. Again, I think that clearly breaches the standing orders.

Untruths emanating from that side of the House are becoming common practice, and we're not going to stand for it anymore, Mr. Speaker. I ask you to rule on this, please.

**The Speaker (Hon. Michael A. Brown):** Thank you. I think it would be appropriate to caution all members to be very, very careful that they aren't seen to be imputing motives to other members. Just to be helpful to the Speaker, if, in fact, there is an allegation of such behaviour, it's more helpful if that gets raised at the time rather than subsequent to it. It just makes it very difficult for the Speaker.

I didn't hear it at the time. Therefore, I'm not going to rule in favour of your point of order. But I would again caution all members to be very careful about their language. I would also like to caution the member for Leeds–Grenville in his use of the last suggestion that he made about untruths being commonplace in here.

**Mr. Frank Klees (Oak Ridges):** On a point of order, Mr. Speaker: As a member here who feels that his privileges have been hampered, quite frankly, pursuant to section 23(h) and (i) of the standing orders, as someone who was involved in a meeting that was referred to by the member for Perth–Middlesex and, as well, the exchange between the member for Perth–Middlesex and the Minister of Agriculture and Food, I am very concerned that the Minister of Agriculture, in her response to the question that was put by the member for Perth–Middlesex, made the specific comment that, in fact, a deal had been entered into by the leader of the official opposition. As someone who was party to those discussions, I take great offence. It does, in fact, impute false or unavowed motives.

I would appeal to you, Speaker, that you would review the Hansard, seeing as you perhaps don't recall spe-

cifically what the Minister of Agriculture responded. But there is clear evidence—there were reports in today's press, very clear statements by the—

**The Speaker:** I've heard enough. The Speaker, as you know, has no opportunity to understand what members may assert to be a fact or not. I only know what is said in this place at the time. So I have no ability to do that, nor does any Speaker in any jurisdiction that I'm aware of. It's now time for petitions.

**Mr. Klees:** On a point of order, Mr. Speaker: With respect, Speaker, that's why I'm asking you as a Speaker of this House to review the facts. I would ask you—

**The Speaker:** The Speaker does not review the facts. The Speaker reviews what was said at the time. That's what I do as Speaker.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** On a point of order, Mr. Speaker: The opposition has raised a number of points of order in regard to matters that have come before the House on things that are stated in the House. I have to say that fingers can't be pointed in one direction only. It reminds me of one of my favourite biblical quotations: "Let him who is without sin cast the first stone." None of us in this House—and I will be one of those who will say that. I will not cast a stone at the others while they cast stones back and forth. But I think if you're going to review Hansard—

**The Speaker:** I have ruled. It's time for petitions. The member for Durham.

1530

#### PETITIONS

##### LONG-TERM CARE

**Mr. John O'Toole (Durham):** Thank you very much, Mr. Speaker, for the time here in the Legislature to be used for petitions from the riding of Durham.

"To the Legislative Assembly of Ontario:

"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"Therefore, we, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will

allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

In respect to the order before the House today for debating Bill 140 on long-term care, I am pleased to support this and endorse the theme on behalf of the riding of Durham and present it to Paul.

#### MUNICIPAL GOVERNMENT

**Mr. Michael Prue (Beaches–East York):** I have a petition that reads as follows:

"We, the undersigned residents of the city of Vaughan, petition the Legislature of the province of Ontario to establish a public inquiry into the city of Vaughan, based on the proposed terms of reference which are on the opposite side of this page, which were proposed to the council of the city of Vaughan for adoption on May 8, 2006, but which such council refused to adopt."

For greater clarity, they are seeking—on the back of the page—that section 100 of the Municipal Act be invoked by the minister and that an inquiry be held into alleged wrongdoings by the municipal council of that city.

I affix my signature thereto.

#### IMMIGRANTS' SKILLS

**Mr. Jeff Leal (Peterborough):** Every day now it seems I get a petition on Bill 124.

"Petition to the Ontario Legislative Assembly

"Access to Trades and Professions in Ontario

"To the Legislative Assembly of Ontario:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's

employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

I agree with this petition and will affix my signature to it.

#### HEALTH PREMIUMS

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** "We Call on the Government of Ontario to Eliminate the Health Tax

"To the Parliament of Ontario:

"Whereas, according to the Department of National Defence, there are over 30,000 serving military personnel who call Ontario home; and

"Whereas, according to the most recent census data, there are more than 1.6 million senior citizens over the age of 65 living in Ontario; and

"Whereas the Progressive Conservative Party of Ontario plans on eliminating this illegitimate tax for all Ontarians after it forms government in 2007; and

"Whereas, as an interim measure, the illegitimate health tax should be removed from those who protect Canada and those who have built Ontario;

"We, the undersigned, call on the government of Ontario to immediately eliminate the illegitimate health tax, beginning with serving military personnel and senior citizens."

It's signed by many people, and I affix my signature to it.

#### LANDFILL

**Mr. Gilles Bisson (Timmins–James Bay):** I have a petition here addressed to the Parliament of Ontario, and it reads as follows:

"Whereas the Oneida Nation of the Thames people located near Southwold, Ontario, have been opposed to the Green Lane landfill operations for a number of years and have questioned the premise for landfill expansion at Green Lane; and

"Whereas the Oneida Nation of the Thames people and the public have learned through media reports as of September 20, 2006, that the city of Toronto had voted to purchase the landfill in order to address its waste issues; and

"Whereas the First Nations' interests in the operation of this site were referred to Ontario's environmental assessment process, which is a proponent-driven process and did not satisfactorily address First Nations' concerns and interests; and

"Whereas First Nations feel that their interests in the Green Lane landfill expansion and operations have not been dealt with adequately by the provincial crown based on recent case law in the Haida Nation, Taku River, Mikisew and Platinex cases;

"Therefore we, the undersigned, petition the Parliament of Ontario as follows:



"That the provincial crown adequately consult First Nations in a manner that is consistent with the Haida Nation, Taku River, Mikisew and Platinex cases regarding previous and proposed operations of the Green Lane landfill."

I've signed that petition.

### IMMIGRANTS' SKILLS

**Mr. Kuldip Kular (Bramalea-Gore-Malton-Springdale):** This petition is to the Ontario Legislative Assembly.

"Access to Trades and Professions in Ontario

"To the Legislative Assembly of Ontario:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

I agree with the petitioners and put my signature on it as well.

### ELECTRICITY SUPPLY

**Mr. Norm Miller (Parry Sound-Muskoka):** I have a petition to do with forestry work for Hydro One Networks Inc., and it reads:

"To the Legislative Assembly of Ontario:

"Whereas Hydro One Networks Inc. provides hydro to many communities in the region of Parry Sound-Muskoka; and

"Whereas there have recently been several lengthy power outages in this region affecting both private residences, schools and businesses; and

"Whereas rural customers pay among the highest distribution and delivery charges for electricity;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Energy and the Ontario Energy Board require Hydro One Networks Inc. to make improvements in line maintenance and forestry management in the region of Parry Sound-Muskoka to ensure reliable energy for its customers."

I support this petition and affix my signature to it.

### LONG-TERM CARE

**Ms. Cheri DiNovo (Parkdale-High Park):** "To the Legislative Assembly of Ontario:

"Whereas, in June 2003, Dalton McGuinty said Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios; and

"Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and....

"Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

"Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day."

I am pleased to affix my signature to this.

1540

### IMMIGRANTS' SKILLS

**Mr. Michael Gravelle (Thunder Bay-Superior North):** I also have a petition in support of Bill 124, sent to me by some of the 50,000 clients of Intercultural Neighbourhood Social Services. I'll read the petition.

"To the Legislative Assembly of Ontario:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

I'm in support of this. I'm very happy to sign it.

#### HEALTH PREMIUMS

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition to the Legislative Assembly of Ontario:

"Whereas, according to the Department of National Defence, there are over 30,000 serving military personnel calling Ontario home; and

"Whereas, according to the most recent census data, there are more than 1.6 million senior citizens over the age of 65 living in Ontario; and

"Whereas the Progressive Conservative Party of Ontario plans on eliminating this illegitimate tax for all Ontarians after it forms the government; and

"Whereas, as an interim measure, the illegitimate health tax should be removed from those who protect Canada and those who have built Ontario;

"We, the undersigned, call on the government of Ontario to immediately eliminate the illegitimate health tax, beginning with serving military personnel and senior citizens."

I affix my signature in full support.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Jeff Leal (Peterborough):** I have a petition today: "In Support of Skilled Immigrants—Bill 124

"To the Legislative Assembly of Ontario:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global

experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

I agree with this petition and will affix my signature to it.

#### WATER QUALITY

**Mr. Jerry J. Ouellette (Oshawa):** I have a petition. It reads:

"To the Legislative Assembly of Ontario:

"Whereas every Ontarian wants the best water quality possible; and

"Whereas the goal of clean water can be achieved effectively through amendments to existing legislation; and

"Whereas the McGuinty Liberals are determined to hammer through the flawed legislation known as the Clean Water Act; and

"Whereas the McGuinty Liberals have failed to put in place adequate, stable, long-term funding into the bill; and

"Whereas the McGuinty Liberals have failed to effectively address the numerous problems in the bill; and

"Whereas rural Ontario stands to suffer significantly under this poorly-thought-out policy;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"To not pass Bill 43 (the Clean Water Act) until proper funding and amendments are in place."

I affix my name in support.

#### ORDERS OF THE DAY

##### LONG-TERM CARE HOMES ACT, 2006

##### LOI DE 2006 SUR LES FOYERS DE SOINS DE LONGUE DURÉE

Resuming the debate adjourned on October 23, 2006, on the motion for second reading of Bill 140, An Act respecting long-term care homes / Projet de loi 140, Loi concernant les foyers de soins de longue durée.

**The Acting Speaker (Mr. Ted Arnott):** When we last debated this item in this House, the member for Brant had the floor, so I'll return to the member for Brant.

**Mr. Dave Levac (Brant):** I appreciate the opportunity to complete my comments. I want to do a short recap. I hope I spoke with some passion about the need for all of us to set aside the shackles of the common point that seems to get made in this place from time to time that it's



all about politics. The point I was making was not to cast aspersions on any member in this place or any party in this place, because collectively what has been happening over the decades is that there have been progressive and important steps taken towards improving the lives of those who are at end of life and those who need to be finding themselves, through no fault of their own, in a shelter, in a home, and in this case—Bill 140—we're talking specifically in long-term-care facilities.

I also spent a little bit of time—well, actually quite a bit of my time—praising the front-line staff, as my witness of seeing it happen, as having loved ones in long-term-care homes, and also to understand the trials and tribulations those staff go through and the passion and love they present to our loved ones. So I want to compliment them one more time.

I do want to make a couple of quick points to indicate two things, importantly: that progressive parties over the years have seen this as a coming need. So successive parties, successive governments, have taken steps—some slow, some fast, some aggressive, some passive. Each of those governments in the past, when I did my research, have worked towards improving our ability to deliver long-term-care homes in the way that we want our relatives to receive, and indeed all of the citizens of Ontario. So my kudos to all of those at the government levels who have progressively moved forward.

I believe our government is attempting to do that and I believe our government will not solve all the problems with Bill 140. I do not believe Bill 140 will cause problems and I do believe that there are some important points to be made.

If this bill is passed, we will entrench in legislation a residents' bill of rights, which already exists, but we did point out that there are other issues within this bill that we believe will improve. One third of the issues coming up are complaints using the bill of rights, so I think it's important to entrench this in a single piece of legislation. We will promote and want zero tolerance of abuse and neglect of long-term-care home residents. We will provide whistle-blower protection for staff, residents and volunteers who report abuse and neglect. The bill requires a nurse, in law, to be 24/7, seven days a week, in our homes. We will incorporate detailed provisions to minimize the use of restraints on residents. I know that the previous NDP member who's now the chair of United Way in Toronto was passionate about that, because she expressed to us in this place the unfortunate situation her mother went through and used that as a vehicle to explain to us about the use of restraints. And we will limit the licence terms of long-term-care homes up to 25 years, to reward and acknowledge those who do good work, but also make sure that if the homes do not comply with legislation, their licences are revoked quicker and easier. To date, we've hired 3,140 front-line staff, including 682 nurses—\$740 million, or a 34.1% increase since we've taken office; a \$155-million or 5.9% increase this year alone.

So I would suggest respectfully that I, along with my members, would be more than willing to receive con-

structive criticism and opportunity to present the best foot forward that this Legislature can do. I also respectfully suggest to you that this will go to committee and that we will have an opportunity to have those voices heard. I, along with every member in this House, will commit to continue to meet with the administration, the front-line staff, the residents, the residents' families and anyone who has a concern about how we are going to prepare for the future, because we are all going to be there someday.

**1550**

I also would like to leave as a final note for my own riding that I have set up meetings for the future with our long-term residents in our long-term-care homes, and will also want to continue to meet those I already have met in the homes I have visited, to see if we can get a handle on this to progressively continue to take those steps forward and improve the lot of the people who use those homes as their homes.

Thank you very much. I appreciate the opportunity to address this.

**The Acting Speaker:** Questions and comments?

**Mr. Norm Miller (Parry Sound-Muskoka):** I'm pleased to add some comments to those of the member for Brant on Bill 140, the long-term-care bill.

I would like to get on the record a constituent's concerns to do with long-term-care homes and a specific situation to do with her sister, who is 51 years old and is in a long-term-care home, which is really not where she should be.

She has written the editor of the Toronto Star, and I'll just summarize part of it in the two minutes I have: "I write in response to a letter which speaks to the tragic plight of individuals with developmental disabilities in this province moving from government-run institutions into Ontario nursing homes." I'm going to skip a paragraph.

"Such is the case in point for my sister who has cerebral palsy and is too young to be living in a long-term-care facility for the aged at 51 years old. Two years ago because of health reasons our mother was unable to continue caring for my sister in the family home. Despite the Ministry of Community and Social Services' promises to people and their families for the transformation of developmental services for better supports and individualized funding to help people have choices and options for community living, they refused to provide help to my sister and our family in our time of need. MCSS refused to provide any additional funding over and above \$19,000 a year necessary for my sister to remain in her community, to have a place of her own with 24-hour assistance.

"Trying to convince MCSS was a bitter and deeply disappointing process that our local MPP and other families with similar circumstances tried to support us with. In the end the government let us down. I have asked the north east regional office of MCSS to try and help my sister find a way out of the nursing home, but to date we have not heard from them.



"My sister is tucked away in a place out of sight and out of mind, where the elderly and medically ill move in to live for awhile before they pass on. Rarely does she leave the facility. She is totally disconnected and isolated from her community.

"Clearly, community living is not for all."

I wanted to highlight, in the short time I have, this situation where the minister would not meet with this individual and where we have someone in a long-term-care home who really should be in a group home or their own home.

**Ms. Cheri DiNovo (Parkdale-High Park):** I speak with some first-hand knowledge as well of this situation. As a clergyperson, it was part of my job description, and a pleasurable one at that, to work with our seniors in long-term-care facilities, so I've been in and out of a number of them. In the time allotted to me later, I'm going to describe some of the conditions I've witnessed there.

In the time right now, what I'm going to highlight is the Ontario Health Coalition and their concerns about this bill, and I read:

"We have total consensus among seniors' groups, workers, nurses and public health advocates that the key issue is a staffing standard. You can't have two baths per week (in any humane way) without enough staff. Staffing levels are key to prevent abuse, to ensure safety for residents and workers, to improve quality of life. Ontario used to have a minimum standard of 2.25 hours of care per day per resident until the Harris government withdrew the regulation. Now we have no minimum staffing standard. Thirty-six American states," by the way, "have a minimum standard, schools have maximum class sizes, daycares have staffing standards, but vulnerable seniors living in Ontario's long-term-care homes have no such protection. This legislation will not achieve the promised 'revolution' in long-term care unless a minimum staffing standard is introduced."

That's from the Ontario Health Coalition. I'm going to go through that; also, some of the problems with community care access centres, the backdrop of the nursing shortage and continuing shortage, and the fact that our nurses have worked without a contract for many, many months now; also our OPSEU brothers' and sisters', as well as other union brothers' and sisters', concerns about this legislation.

First and foremost, of course, what I'm going to talk about are the people concerned. We in the New Democratic Party have the utmost respect for those front-line workers who work every day, and have to work, in conditions that are less than ideal even with this bill.

**Mr. Jeff Leal (Peterborough):** I listened carefully to the very passionate comments from my colleague the member for Brant. He touched upon the Residents' Bill of Rights, one of the key elements of Bill 140, An Act respecting long-term care homes in the province of Ontario.

There are 26 elements in the Residents' Bill of Rights. In the short time I have, I'd like to read several of them

into the record, because I think it's very important for citizens of Ontario to understand and hear about these 26 points:

"1. Every resident has the right to be treated with courtesy and respect and in a way that fully recognizes the resident's individuality and respects the resident's dignity.

"2. Every resident has the right to be protected from abuse.

"3. Every resident has the right not to be neglected by the licensee or staff.

"4. Every resident has the right to be properly sheltered, fed, clothed, groomed and cared for in a manner consistent with his or her needs.

"5. Every resident has the right to live in a safe and clean environment.

"6. Every resident has the right to exercise the rights of a citizen.

"7. Every resident has the right to be told who is responsible for and who is providing the resident's direct care.

"8. Every resident has the right to be afforded privacy in treatment and in caring for his or her personal needs.

"9. Every resident has the right to have his or her participation in decision-making respected..."

It goes on and on. These are 26 very, very important points. They talk about the ability of a person to get spiritual assistance in his or her own religious affiliation. This bill of rights is very important. For example, number 24 says, "Every resident has the right to be informed in writing of any law, rule or policy affecting services provided to the resident and of the procedures for initiating complaints."

These are fundamentals of this bill that I think are very important for all the citizens of Ontario.

**Ms. Lisa MacLeod (Nepean-Carleton):** I'd like to congratulate my colleague from Brant. I know this is a very passionate issue for many people in every community across this province, because seniors built this province and we expect that they're going to get the care they need and deserve.

A big issue in my community is bed-blocking of approximately 20% of beds that are needed in hospitals for acute care. In a recent Conference Board of Canada survey, 43% of provincial health expenditures in Ontario were accounted for by services for seniors. Expenditures for people 75 years of age or more will double over the next 10 years unless we change our approach to seniors' health. According to this, appropriate geriatric care results in better outcomes for seniors and major reductions in the use of hospital services.

I'm just wondering if my colleague from Brant would like to comment further on bed-blocking in our communities. It's a critical issue in Ottawa, and certainly many of my constituents brought this issue up to me over the summer and at the beginning of the fall. We hope our seniors who are in long-term-care facilities or in hospital beds are receiving the absolute care they need in a homey environment, so that they're comfortable and can live



independently or can live with their families in a long-term-care facility that they believe suits their environment.

Again, I'd like to congratulate my colleague from Brant, and see if he has any thoughts on bed-blocking.

**The Acting Speaker:** That concludes the time for questions and comments. I'll return to the member for Brant, who has two minutes to reply.

**Mr. Levac:** I accept the challenge, and I'll get back to you in a minute.

I want to thank the member for Parry Sound—Muskoka—as always, bringing the issues of his constituents to the front; I appreciate that—the member for Nepean—Carleton, the member for Parkdale—High Park and obviously the member for Peterborough.

Let's get right to it and explain the blockage situation. With David Crombie, one of the PCs who was tapped on the shoulder to do Who Does What when we originally did it, and also the health restructuring commission, there was an awful lot of discussion about how we should deconstruct and then reconstruct.

The biggest problem was when the government of the day decided to reconstruct hospitals. He was told that the thing he should have done was put the services outside the hospitals in first, and that never happened. Because that never happened, we are doing catch-up to make those spaces available. So when the hospitals are stuck with the blockage you're talking about, it was originally because there wasn't anywhere to put them. If we had done that first, we probably would have avoided an awful lot of the discussion you're having now. I sympathize with you because that is an issue not just in your riding; it's several ridings. We've got to get that solved. There's no question about it.

1600

Each government had their decisions on how they perceived—and I think we should be working towards solving that problem by making sure patients and people have a place in a home to go to. That's what we're trying to accomplish. As far as our discussion today, I think we should be focusing on making sure that we're providing the best steps forward for our senior citizens, because, I'm telling you, we're all going to be there, and it's going to be a very large, critical mass. So I take the challenge from the member that we have to analyze very quickly how we can get these things staffed, and as we continue to put money and investments into our long-term care, are there different ways to look at it? We have to be creative, and I know we can do it in this place. I challenge us all to keep thinking that way.

**The Acting Speaker:** Further debate?

**Ms. MacLeod:** I'm proud to have this opportunity today to stand up on behalf of my residents in Nepean—Carleton on Bill 140.

I wanted to commend our PC health critic, Elizabeth Witmer, who provided a very rational critique of this bill. I'd just like to go back and use some of her words when she first spoke to this legislation. She said:

"Let's go back to 2003, when the minister said he was going to start a revolution in long-term care. This bill,"

she says, "is anything but a revolution. The minister talked today about the fact that we have these homes. Well, if the minister had taken a look—we started talking about homes and home-like settings in 1998. Eight years later, he's promising that there will be homes, there will be home-like settings. He has totally missed the fact that this all happened eight years ago. The unfortunate reality is that he has not moved forward one iota to make sure that half of the people who live in long-term-care homes today are going to be the beneficiaries of the same design standards that we introduced in 1998."

Bill 140 is yet more evidence of another broken Liberal promise from the 2003 election and the fact that they continue to demonstrate that they are prepared to do anything and say anything just to get elected, even if it means breaking promises to Ontario's most vulnerable.

In 2003, three long years ago and over 200 broken promises ago, the Liberals made a commitment to the people of Ontario that they would provide \$6,000 in additional care for long-term-care residents and that they would ensure an additional 20 minutes of care for every long-term-care resident. Surprise, surprise—yet another broken promise from the McGuinty Liberals. On a day when more Adscam questions have arisen and, according to the CBC French-language service, more charges are expected to be laid against Liberal-friendly ad firms, it seems no one should be surprised by another broken McGuinty Liberal promise—not surprised but disappointed.

John Tory and the Progressive Conservative caucus recognize the importance of constructive and substantial updates to long-term care in this province. Unfortunately, this bill did not reach that goal. In my city of Ottawa, which I referenced earlier today, we are short at least 850 long-term-care beds—that's the size of a community hospital—beds people need today, not some undetermined date in the next few years after the next election. What the people of Ottawa and Ontario need is real, well-thought-out long-term-care legislation, not just another Liberal pat-on-the-back bill that contains catchphrases and little substance.

When I stood up in this House and asked the health minister about the long-term-care bed shortage and crisis in the national capital region, I was mocked and laughed at, and I was heckled. This is not a laughing matter to me and it's not a laughing matter to the people of Ottawa or the people of Ontario. The Minister of Health and his associate Minister of Health Promotion are more concerned with who called whom than with solving the real problem at hand. To that I say, who called whom is a lot less important than what got done. Unfortunately, nothing got done at all, but Ontario needs something to be done and so does the city of Ottawa.

A mere week after my question, in the Ottawa Citizen Andrew Duffy wrote a compelling piece that backs up the issue I highlighted during question period. He called it "bed blocking," which I spoke about earlier. In fact, the Ottawa Citizen cited the following, and I'm going to quote from the article:



"Ottawa seniors face some of the province's longest wait times for a bed in a long-term-care facility. All of the city's 28 long-term-care facilities have wait lists.

"In fact, the occupancy rates among the city's long-term-care facilities are the highest in the province, which leaves few beds available to relieve the pressure on hospitals...."

"With so many acute care beds occupied by elderly patients, surgeries—sometimes as many as five a week—are cancelled because hospitals do not have beds available for surgical patients to recover.... Emergency wards can become crowded with patients on stretchers waiting to be admitted to other wards. And ambulatory patients, instead of being transported to the nearest hospital, can be sent to the one with available emergency beds...."

"[T]he inappropriate use of acute care hospital beds 'is one of the primary reasons' that Ottawa has not been able to meet provincial targets for cancer surgery, heart procedures, cataract surgery, diagnostic scans and hip and knee replacements.

"Although surgical queues in the Ottawa region have improved significantly during the last two years, the region still has wait times that are higher than the provincial average for four of five targeted health services. The wait time for a diagnostic scan is the lone exception."

The article goes on to cite other areas of particular concern:

"—prostate and other genitourinary cancer surgery: 49 days in Ottawa versus a provincial average of 25 days.

"—heart bypass surgery: 31 days in Ottawa versus a provincial average of 16 days.

"—hip replacement surgery: 154 days in Ottawa versus a provincial average of 99 days.

"—knee replacement surgery: 194 days versus a provincial average of 146 days."

We're underserved in Ottawa. You see, we are in real trouble there, and this legislation will not make it better.

Just today, I received a letter from Councillor Jan Harder, who represents Bell-South Nepean in my riding of Nepean-Carleton. She's one of my mentors. I spent several years working for her at Ottawa city hall. A great supporter of mine, she is also the chair of the home advisory council at Carleton Lodge. I told Councillor Harder I would bring this issue to the Legislature for her. I'm going to quote a direct e-mail from her today:

"Bill 140 does not address the real needs of our very vulnerable long-term-care-home residents. It adds a burden of administrative compliance and documentation that will bleed dollars from front-line care without a significant increase in funding. For municipalities it represents another download of legislative requirements without the dollars to support them."

That's very important, and I just want to move outside the quote for a second to reiterate this: A city councillor is telling us, "For municipalities it represents another download of legislative requirements without the dollars to support them."

She goes on: "I strongly support the spirit of the bill that outlines resident rights and safeguards. However, it is unfortunate that Bill 140 is punitive in tone and content. It assumes all homes need close monitoring and does not reward consistent strong compliance. A more productive alternative would be to integrate accreditation and compliance, thereby eliminating redundant processes and reducing costs. As it is now framed, Bill 140 moves us in the opposite direction."

She continues—and this is a direct quote, for my colleague across: "We have caring and competent front-line staff in place and we do not need to take them away from their primary mission with an excessive regulatory regime. Despite the quality of care they give there are not enough of them to meet the residents' needs. Our staff are frustrated by the gaps they see between resident need and their ability to meet them. Adequate funding is needed to ensure the needs of our residents are met. The government's commitment to increase operating funding to \$6,000 per resident has yet to be achieved. To date it has reached less than \$2,000 per resident.

"I have other concerns with Bill 140, including section 133 pertaining to orders for renovations, section 156 pertaining to compliance and enforcement and section 67 that implies that municipal officials could be found guilty of an offence for infraction of administrative requirements that have no connection to the well-being of residents.

"But I am most concerned about what Bill 140 will do for resident quality of life. As a frequent visitor to Carleton Lodge I have seen first-hand the impact of a caring touch, a shared laugh and a warm, homey atmosphere. I want to be sure Bill 140 supports residents and their families.

"This is important legislation and there is too little time for consultation." She makes a valid point here: "Municipalities are involved in municipal elections and councils do not have adequate time to respond before final reading of the bill.

"I urge the minister to slow down to allow for full discussion of Bill 140. Our common goal is long-term-care homes all Ontarians can be proud of."

She makes the point, but not to worry; I've already warned Ms. Harder to expect a harsh phone call or e-mail from the Minister of Health Promotion or the Minister of Health or their staff, because she dared to stand up and speak on behalf of the residents and the people of Nepean-Carleton and Carleton Lodge, and the people of Ottawa as well. I think it's high time the two health care ministers found out that not everybody can be bullied; not everyone will bow down before them and accept their edicts without question.

**1610**

Many long-term-care facilities in this province have caring and competent front-line staff in place. I, as well as many others, am wondering why the Minister of Health feels it is necessary to take those front-line workers away from their primary mission and impose an excessive regulatory regime. Adequate funding is what is



needed in our long-term-care facilities. They need it to ensure that the needs of the residents are met.

Where is the \$6,000 promised by the McGuinty Liberals? To date, less than \$2,000 has come through. That's what Councillor Jan Harder is telling us. Where are the 20 additional minutes of care? Where are the promised beds? They're probably in the same place as the scores of other broken promises: lost in a sea of election readiness. But in December 2003, the health minister vowed to take immediate action, saying he wanted to start a revolution, as I said earlier. Three years later, that same minister has put forward what he calls a major piece of legislation that does little more than consolidate three existing acts.

One of the biggest surprises has been the fact that there is very little new in this highly anticipated piece of legislation. The bill is a long time coming. Ontario was told in 2004 that this long-term-care bill would be introduced in early 2005. I'm thinking, right now we're at the end of 2006. Ontarians are in need of long-term care, and their families have been left waiting two long years since that commitment. I'm not sure about the member from Toronto Centre-Rosedale or his assistants, but the calendar in my office says it's October 24, 2006. It's not 2005. I said it before and I'll say it again: He is either responsible for his department or he is not.

Despite this massive delay in having this bill come forward, it contains little that was not already legislated in this province. With so much lead time on this bill, the people of Ontario should be able to expect, even demand, a revolution, as the animated health minister promised. I guess he has been too busy working as Ontario co-chair for Bob Rae or writing press releases about my leader.

We need a bill that addresses the real problems in Ontario's long-term-care facilities, not a bill that pats Liberals on the back, a bill that is little more than electioneering.

Once again, I would like to refer to some comments by Jan Harder, chair of the home advisory board for Carleton Lodge: "I am most concerned about what Bill 140 will do for resident quality of life. As a frequent visitor to Carleton Lodge, I have seen first-hand the impact of a caring touch, a shared laugh and a warm, homey atmosphere. I want to make sure Bill 140 supports residents and families."

I want to go back to the words of my colleague Elizabeth Witmer, who is a tried, trusted and true health care expert in this province and a former minister. I'm very proud of her. She says:

"This bill does not speak to improving the dignity and the comfort for half of the residents in this province who require a change in their accommodation and should be given the support in order to make sure that we can continue with the capital renewal plan that we put in place in order that they can live in homes that meet the new 1998 standards.

"There is nothing in this bill—very little—that wasn't there before. I think that was the biggest surprise. You take a look at the newspaper articles, at any of the edit-

orials, at what the health care professionals, the providers, the associations are saying about the legislation—there's nothing here. Most of it was already part of other pieces of legislation."

So I would like to close with this: Long-term care is too important an issue to rush through. The municipalities that this bill is being pushed upon are in the middle of elections and they have little time to respond properly to this bill. Everyone's common goal should be a bill we can all be proud of, not a bill that Liberals are proud to rush through just in time for the books of the next election.

Before I conclude, let me go back to April 1998, when the provincial Conservatives announced they would invest \$2.1 billion into long-term care. They were opening new homes, investing in community-based programs, and announced 20,000 new beds. In that year, they released mandatory design requirements that came into effect on April 1, 1998. That "superseded all prior structural standards and guidelines, which meant that all residents—and that is about half of the residents in the province of Ontario—would now actually be able to live in the dignity and the comfort that they deserved." This is according to Elizabeth Witmer. She goes on: "We provided the capital funding for the new beds. Then we announced that the D beds also were going to be renewed, and we had a plan in order to ensure that that was going to happen. Unfortunately, this Liberal government has not continued with the plan for capital renewal, so we now have half of the beds, about 35,000 to 36,000, that are still only meeting the design standards of 1972."

It's 2006. I was born in 1974, and half of the hospital beds our seniors are living in today are at 1972 standards; they're older than me. That's not what I would call dignity. I wouldn't even call it respectful. This bill fails to even mention that.

The fact that we've got our seniors in Ottawa being called bed blockers because there's no place for them and the fact that there aren't the appropriate programs in place so that they can live independently in their own homes are critical issues we have to address, and this bill doesn't do that. It's a start; I'll admit that. But it only combines three pieces of legislation and it's three years too late.

I want to go back to the Conference Board of Canada. When I say, "43% of provincial health expenditures in Ontario were accounted for by services for seniors," expenditures for people 75 years of age or more will double over the next 10 years unless we change our approach to seniors' health. "Appropriate geriatric care results in better outcomes for seniors and major reductions in the use of hospital services."

Our health care system needs a cash injection for these seniors, it needs new spaces and it needs new programs for Ontario seniors. I welcome, in debate, all the ideas from my colleagues across the floor, but in closing and in parting, I would encourage my colleagues on the other side of this Legislature to listen to the people like Councillor Jan Harder and to slow down, so that we're not



rushing something through. Key stakeholders such as our city councillors right across this province, from Ottawa to Toronto to Hamilton, want to have their say. You're downloading without giving them the monies they're going to need to carry this out. They need to be at the table, and you're rushing this through.

I'd be happy to address any comments from my colleagues.

**The Acting Speaker:** Questions and comments?

**Ms. Monique M. Smith (Nipissing):** I appreciate the opportunity to address some of the rhetoric that has been flowing around this place for the last 18 minutes. The member spoke of this legislation as being too late, but she also said we are moving too fast. Too fast or too late? I'd like to know where she stands on that. She said there is nothing new in the legislation but that there are also excessive regulatory amendments. Is there too much or too little? That is what I'd like to know from the member for Nepean–Carleton.

I'd like to address some issues she raised that she attributes to Ms. Harder. Ms. Harder suggested that we move to an accreditation and compliance format. In fact, accreditation and compliance are two very different issues. I've met with the accreditation association, and I've also visited homes that have been accredited and have not done so well on compliance. So there are two different regimes, and I don't think they should be confused.

We do recognize good homes. In subsection 141(2) of the legislation, we allow for the recognition of exemplary homes to be determined in the regulations—how we're going to do that.

She suggested there is no support for residents and families in this legislation. In fact, the bill of rights has been enhanced. We again enhance the roles of residents' councils. We're encouraging the creation of family councils. We finance both of those organizations to increase the ability of those groups to develop in our homes across the province. We've seen an exponential growth in family councils in the three years since we started funding the family councils project.

We have provisions in the legislation that will post information for residents and that will provide the information upon their admission. We've also created the long-term-care-homes resident family adviser, or the ability to create such an office, to assist families and the residents with any questions or queries they have.

In closing, I'd like to ask the member for Nepean–Carleton a few questions. The Tory record stands on its own: You cut minimum standards in our homes; you cut the number of baths that residents were supposed to have; you proposed to increase the co-pay by 15% for these, our most vulnerable; and you cancelled annual inspections. I'd like you to answer—

**The Acting Speaker:** Thank you very much. Questions and comments?

1620

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** I appreciate the opportunity. I listened intently to this

presentation by the member from Nepean–Carleton and I felt that she presented some concerns and some excellent questions. For example, she pointed out, as I recall, the failure of this legislation to address that \$6,000 promise that was made during the last election by the present Liberal government, a promise of money for direct care and services. Rather than a one-off \$6,000 promise, a promise as yet unfulfilled, long-term-care facilities really need something more than that. They need certainty. They need, at minimum, a modicum of secure funding, multi-year funding, and obviously many of the homes that I think of in Ontario and a few in my riding quite simply need, at minimum, adequate funding.

This legislation—I think the member pointed this out—does have serious implications for the not-for-profit long-term-care sector, those municipally funded homes, those charitable organizations. There are concerns with respect to the micromanagement that is found within this legislation. I hate to think about regulations that may be forthcoming that would present homes with a constellation of rules, regulations and red tape, things that would take up staff's time in filling out forms when their resources could be better used.

**Mr. Gilles Bisson (Timmins–James Bay):** I want to congratulate the member from Nepean–Carleton for her comments. It was interesting, because a lot of what she had to say, quite frankly—basically what we've been saying in regard to this bill—is that everybody agrees that we need to deal with making sure that specific standards are put in legislation so that people who live in long-term-care facilities can be guaranteed that they're going to get X level of service as a bare minimum. The problem is that it falls short of what the government really talked about doing and promised to do during the last election.

I know that my good friend from Nepean–Carleton is about to embark on the same tours that I did earlier—only because they called me first, and I guess they called you after—when it came to visiting long-term-care facilities. I was really struck. I've got to say it—I think I mentioned this before—I had not been in a long-term-care facility for some time, at least about a year or so. When I did, it was just flying in and flying out, for a 100th birthday or whatever it might be. What really struck me was the level to which the staff were understaffed to deal with the needs of the residents living within those particular homes.

I was in Kapuskasing at the North Centennial Manor. It's the same story if you go into the extended care in Timmins or Foyer des Pionniers in Hearst. The story is: We have a lot of part-time staff. There's a huge issue here. It's a real problem trying to schedule people in. In one of the units I went into, there was a full-time staff that was assigned to two units, and a half-time staff in each of the other units to give all of the care in those particular secured units. If anything happens, if any resident has a crisis, you're not able then to respond adequately to other people who might be in crisis. They're having a real problem trying to schedule, not to talk about what



happens if we have a pandemic, because most of these people work in multiple institutions.

I'm going to get a chance to speak to that a little bit later, but I think it speaks to what the problems are within the system and what we need to do to fix it.

**Mrs. Liz Sandals (Guelph-Wellington):** I'd like to comment a little bit about what we have done for long-term-care homes. In fact we have made significant investments, significant improvements already, even without this bill. The bill is just the next step.

Since we have taken office, we have increased spending on long-term-care homes by 34.1%. That's a huge amount in just three years. Partly that's because we've hired new staff. There have been 3,140 new staff hired in our long-term-care homes to assist with the care of the residents, and that includes 682 new nursing positions. In particular, we brought in a regulation in 2005 which requires that a registered nurse be on duty—not just on call but in the home—24/7. In fact, it was the member for Nepean-Carleton's party that cancelled the requirements to have standards of care. We are gradually bringing those back in.

In January 2006, we introduced two new standards, one for skin care and wound management, and a second one for continence care. In addition to that, for the first time in 20 years we've increased the comfort allowance. That's the amount of money each individual resident has to spend on cards, chocolate bars, whatever are the small, little things they would like to have each month. We have increased that for the first time in 20 years.

For the first time, as of December 2005, every long-term-care home now has access to a physiotherapist—

**The Acting Speaker:** Thank you very much. That concludes the time for questions and comments. I'll return to the member for Nepean-Carleton.

**Ms. MacLeod:** I appreciate the comments from all of my colleagues, from Haldimand-Norfolk-Brant and Timmins-James Bay. They always enter the debate. Obviously, I'm on House duty with them, so they quite frequently impart their wisdom upon me. To my colleagues from Nipissing and Guelph-Wellington, I have two things to say: too fast, too late. It took you three years to bring this piece of legislation through, a big download, and you're doing it right in the middle of municipal elections and a municipal councillor has called you on it.

I want to say, to the 31% increase that you're talking about, I challenge you to table those numbers. I also challenge you to tell me why you broke that \$6,000 promise. The fact remains, the article I referred to in the Ottawa Citizen says this, and it's worth putting on the record again:

“—prostate and other genitourinary cancer surgery: 49 days in Ottawa versus a provincial average of 25 days.

“—heart bypass surgery: 31 days in Ottawa versus a provincial average of 16 days.

“—hip replacement surgery: 154 days in Ottawa versus a provincial average of 99 days.

—knee replacement surgery: 194 days versus a provincial average of 146 days.”

Where are the results? They're not in this bill. They haven't been done in the last three years.

*Interjections.*

**The Acting Speaker:** I'd ask the member for Scarborough Centre and the member for Guelph-Wellington to come to order.

I'll return to the member for Nepean-Carleton.

**Ms. MacLeod:** Thank you, Mr. Speaker. I knew I couldn't get through a 20-minute speech without being heckled by this crowd to the point that I had to sit down. But I beg them to please listen to the councillor from Ottawa who's telling them we have a crisis in our city. We've got wait times that have increased far above the provincial average. We've got real issues with this being put through during a municipal election. It's not just me saying this. These are the people—regular people, voting people, you might say—you represent, and the people so frequently in this place that you do not respect. You don't even accept that they have a differing opinion than you, and that is what's going to take you out in 2007.

**The Acting Speaker:** Further debate?

**Ms. DiNovo:** First of all, as to what is in the bill and what is positive in the bill, and then I'm going to go on to share the story of a congregant and a constituent to show you, I hope, what's not in the bill and what needs to be in the bill to have this bill be as effective as it could be in changing the system.

First of all, this bill aims to give the long-term-care-home sector one comprehensive piece of legislation. So in effect, what it's doing is taking three pieces and putting them into one. It enshrines in law some of the commitments that have been made by the McGuinty government: the registered nurse we've already heard about—that's 24 hours a day, seven days a week; the requirement of a residents' council, which was not a requirement before; and unannounced annual inspections are also included. It also attempts to address the abuse and neglect of seniors by letting whistle-blowing stand and allowing whistle-blowers to be safe in pointing to that abuse and pointing to the neglect and pointing to the problems. Also, there are fixed licence terms for long-term-care homes of up to 25 years, and these licences, most importantly, can be revoked in cases of non-compliance. These are all good things, and all, of course, actions that a New Democrat would support.

1630

But I want to tell you a story about a congregant; I'm going to call her Mary. She was also a constituent. She was very, I think, prototypical of what many of our seniors go through and what maybe we'll go through one day.

Now, Mary was one of the lucky ones. She owned her own home and she had paid it off, and she lived in it as long as she could. All her mental faculties were there; she didn't have a problem in that regard. But as she got older, into her 80s, it became more and more difficult for her to look after her house. Part of this is unaddressed in legislation; part of it was the property taxes she faced that her CPP payment couldn't include, along with utilities, but partly it was just physical. She couldn't take the



garbage out any more, she couldn't do the housekeeping on her own, she couldn't do her own shopping, and she couldn't provide the minimal maintenance. Neither could her children, who had moved out of Toronto, out of the riding, and weren't able to be there on a weekly basis, certainly not on a daily basis, to help her out.

So, being one of the lucky ones, Mary sold her house, and with the proceeds of her house managed to find herself a place. She did it herself, in a retirement home, a private one where the fees were in excess of \$4,000 a month, and there she got excellent care. I know because I visited her there. I also provided services at that said retirement home. I used to go and do Sunday services for them when they needed me to.

She had her own little place, a bachelor apartment. She was able to keep her own things with her. She was able to take her cat. She was able to have some of the amenities that she had enjoyed in her own house. And she got excellent care, certainly more than the 3.5 hours a day of minimal care that many stakeholder groups are asking for. She also got programming. She got company. Her food was certainly well above the \$5.46 allowed for now per day, and I highlight that, if we can pause for a minute and think about who could feed themselves on \$5.46 a day, never mind that we ask our long-term-care facilities to provide food for our most vulnerable citizens at that. But at any rate, she was in one of the better ones, a private one, and she was able to receive excellent quality nutrition and excellent quality food.

The problem was for Mary, and the blessing was for Mary, that she outlived the amount of money she had in her house that could pay for such accommodation. So when the money ran out, she, now in her 90s—mental faculties still completely there, still strong enough but failing in some regards—had to move to another long-term-care facility. Again, I went to visit her there. This one was far, far away from any friends she had made in the church, far, far away from her community of support, far away from the friends she had made in her retirement home, far away from her family. But it was the only one available, and we all know the waiting list situation. So it was the only one she could get into.

In that care facility, and I really stress this, certainly she had excellent care. The staff gave her excellent care, such as they were able to do. The reality was that there were so few of them, and they were stretched so far, and the amount of money that was given per resident to this facility was not nearly enough to cover what we ask for and what stakeholders ask for, and certainly not nearly enough to cover what Mary herself needed.

So how did Mary's quality of life change? Well, she went from her own small place where she could have her own belongings around her, her own cat, into a situation where she was sharing a room, too small to move in her own belongings. The cat couldn't come with her; it had to be destroyed. She shared a room with a woman with dementia, and this woman with dementia would keep her awake all night long, screaming. Again, staff did what they could, worked as hard as they could. They couldn't work hard enough because there weren't enough of them.

The quality of food went down, of course, because how can you feed someone on \$5.46 a day? It simply can't be done well.

So what happened to Mary? Well, within a few short months, I as her pastoral caregiver watched this vibrant woman go from being a vibrant woman into being another senior that we see too often in homes like it, where they are simply sitting in their wheelchair all day long, watching the television, unable to respond very coherently. That happened so quickly, and it was sad for everyone. I want to stress that it was sad for everyone. It was sad for those who worked in that facility, it was sad for Mary's family and it was sad for me.

Mary has passed on, but the issues that affected Mary's life have not. And so, then, I want to look at this bill. How would this bill change that life? First of all, let's look at a little bit of the background to this bill. I want to look, first of all, at the community care access centres because one might ask, "Wouldn't it have been nice if Mary had been able to stay at home? Wouldn't it have been nice if she could have stayed in her own home and just had some care so that this cycle didn't begin in the first place?"

I quote from the Hamilton Spectator; this is an article from September of this year. They talk about a crisis in their community care access centre. They quote Barb MacKinnon, the vice-president of that centre, who talks about the 11,000 clients she tries to service each month; how she tries to service them with 20 different agencies; how she has seen a 255% increase in the client load while she has been there. When she says she appealed to the province for help, what did the province say to her? She said, "They aren't in a position to talk with us about it at this point." That was just a month ago.

We also know that community care access centres are required by law to pass a balanced budget. This sounds familiar; it sounds like our school boards now and what they are going through. Of course it will be interesting to see what the government across the floor does with these community care access centres. Will they send in the same kinds of supervisors to force them to balance their budgets that they're sending to the school boards? Meanwhile, 20 out of 42 are projecting deficits—20 out of 42. I know this firsthand as well, because my mother-in-law works as a community care worker. She's a first-generation Portuguese woman. This points to another issue with community care: Often they hire first-generation immigrants, many of them sometimes refugees. My mother-in-law does not speak English well. She is often unable to communicate with the client she is sent out to serve. Needless to say, she works extremely hard and has for many years. She works part-time. She is not covered by employment insurance benefits. She doesn't have a pension. Now she's in the position of probably needing community care herself, and she won't get it, because there are 10,999 ahead of her. So that's community care access centres. That is why Mary couldn't stay in her own home.

Then we go on to the nurses. Now, we know in this legislation it's a step forward, yes, because here we're



asking and the legislation is asking that there be a 24-hour RN on duty. But I ask you: Where are these RNs who will be on duty? Again I quote from a recent article. This is from the *Star*. This is Monday, October 9. This is the president of the Ontario Nurses' Association, Linda Haslam-Stroud. Here's what she says about the nursing situation:

"While physicians have seen their salary caps lifted to encourage more productivity while new doctors are trained, registered nurses are experiencing something very different.

"Ontario's hospital nurses have been working without a contract since March 2006, when the Ontario Hospital Association walked away from the bargaining table because nurses wouldn't agree to their sick-leave provisions being gutted."

She goes on to say, "The need to attract and retain nurses in this province has never been greater. Beginning next year, 15,000 to 30,000 registered nurses—that's one third of those practising in Ontario—are eligible to leave the system.

"Without concrete incentives for late-career nurses to stay in their jobs longer, such as improved working conditions, lighter workloads, better wages and the preservation of hard-earned sick-leave provisions, Ontario will see the media covering stories about emergency room closures because of the shortage of nurses, not doctors."

How many of those scarce RNs, one can ask, will work in the field of gerontology, will work for the kinds of salaries that long-term-care facilities can pay? I suggest that they are going to have a very hard time finding those RNs.

Of course, then there's the question, again, of the backdrop of all of this, which is the increased privatization of our health care generally and the increasing development of LHINs. That, of course, has been objected to by all of our major health coalitions and unions. I point there to 80,000 Ontarians—this was back in May—voting to stop the privatization of their hospitals in Sarnia, in the Soo. Some 80,000 Ontarians voted not to have the privatized companies come into their hospitals, because we know—and this is the case, of course, with long-term-care facilities as well—that private companies want to turn a profit. That is what they need to do. They need to do it for their stakeholders and their shareholders. They have to turn a profit. So where does the profit come from?

1640

Then, moving on to the Ontario Health Coalition, who points that obvious fact out, they say that as we increasingly privatize long-term-care facilities, we're going to see what we've seen in the British system, with increasing privatized hospitals: less care, less well delivered. That's the simple reality.

But the Ontario Health Coalition—again, this is a coalition of health care workers not only across the province but across every field of health endeavour—has pointed to a number of problems, first of all the minimum: The province-wide minimum staffing standard

they're calling for is actually 3.5 hours per day of nursing and personal care per resident. I hearken back again to my story of Mary. We're talking about 2.5 hours to 3.5 hours of care per day out of 24. Mr. Speaker and honourable members of the House, these are our most vulnerable citizens. These are our seniors. These will be ourselves one day. Would you want to go into a facility with disabilities, with health problems, with perhaps some degree of dementia, and have 2.5 hours to 3.5 hours of care a day maximum? We don't have that as a minimum. We don't have anywhere near that in our facilities. And this bill doesn't ask for that.

Why don't we have that? We don't have enough money. As the honourable member from Nepean-Carleton pointed out, we don't have enough money because that's another promise broken. Again, the promise was an additional \$6,000 in care for every resident, and the Ontario Association of Non-Profit Homes and Services for Seniors reports only \$2,000 has been directed to the seniors who need it. We heard earlier today in question period about the surplus in the health care budget, a huge surplus of over \$1 billion. Where is that money? Why does that money not go to our most vulnerable citizens, our seniors?

We know we have the money: It's the surplus. We heard our finance minister get up and talk about that surplus and how proud he was of that surplus. Well, why don't we spend that surplus where it's needed: \$6,000 in care for every resident? That's the minimum. Think about it: \$2,000—that's not enough; it's simply not enough.

The other problem is the oversight problem. We need an ombudsman, and we need an ombudsman who is going to be independent of the long-term-care facility system, who's going to be able to report back about that system. We need an ombudsman for a number of systems, of course, in government, but this is certainly one of them. Here are vulnerable people at stake. We have a wonderful Ombudsman now who has delivered wonderful recommendations in other areas. Where is the provision in this bill for the ombudsman?

We heard earlier that Mr. George Smitherman told the Royal Canadian Legion in February 2004 that he would introduce independent oversight in the form of an ombudsman for long-term care. Today's bill contains no mention of third party oversight for long-term care. Promise broken, and broken again to our veterans—our veterans who are seniors, our veterans who served their country and who now find themselves in a situation of needing our help. Are we there for them? I would suggest that we're not.

What else? I've already mentioned the meal allowance: \$5.46 per day. This is a 12-cent increase over last year. I think again of Mary, what she went from and what she went to. She was a vibrant woman who was used to preparing her own meals. She went to a wonderful residence—too expensive, but wonderful—where she had quality food. Now the residents have to struggle with that kind of budget. It's an impossible budget.



Then, if you're going to send in inspectors and if you're going to make them a surprise visit, I would suggest that once a year is probably not enough. I wonder too where the funding is for such inspectors. There's no mention of what kind of funding is going to go behind these inspectors, how often, what's going to happen, how that's going to be adjudicated, how they're going to be sent in, when they're going to be sent in, who's going to be able to send them in and what they're going to be met with when they get there. Again, there are some problems there and we would like to see those addressed.

Simple things like air conditioning: There's no maximum indoor temperature standard for long-term-care facilities despite the serious dangers posed to seniors during summer heat waves and smog alerts.

And the zero tolerance for abuse—well, that sounds wonderful and of course there should be a zero tolerance for any kind of abuse, but it's toothless. If it's toothless, it's not zero tolerance for abuse.

What would teeth look like in Bill 140 for zero tolerance for abuse? Shelley Martel, our own health critic, has put her own private member's bill through. It's called Bill 77, Safeguard Our Seniors Act. What she's asking for is a penalty for an individual of \$50,000 and a fine for a corporation of \$1 million. Now that's teeth.

In the current bill, the individual fine for a first offence is \$25,000 and the subsequent is \$50,000, while the corporation fine is \$50,000 for the first offence and \$200,000 for the subsequent. The only difference is that Bill 140 speaks of jail time. But I suggest that money speaks here. When you're dealing with a corporation where profit is the bottom line, you have to have a strong enough incentive to follow what's recommended, and that incentive is almost always financial.

To get back to some of the problems with the staffing, we hear from our union brothers and sisters on this and we defer to them. I read here from the National Union of Public and General Employees, and they say:

The "long-term care act fails to give Ontarians promised revolution.

"The long wait for a long-term care act was hardly worth it, says the Ontario Public Service Employees Union.

"This is hardly the 'revolution' the health minister promised us three years ago," says Leah Casselman, president of the OPSEU. "Instead it's mostly a formalization of policies that have already been put in place."

She goes on to say, "The ministry is trying to legislate standards without putting in place the necessary resources to meet those standards...."

And again, to the money: "Despite promising an additional \$6,000 per resident per year, the government has only moved the funding benchmark by \$2,000 per resident....

"The union is urging the government to amend the act and introduce a minimum staffing standard of 3.5 hours of care per day per resident—a recommendation widely agreed upon by labour organizations, seniors' advocacy groups, and the Ontario Health Coalition." And also, I might add, by the coroner's report in 2005.

To finish up in the minute or so that I have left, I want to go back to Mary. This is a vibrant woman, and she is a woman very much like many of our mothers, grandmothers, aunts—precious people. They're precious people we're talking about. These are not widgets; these are precious people. We are not giving these precious people enough money for their care, and that's the critical hub of why this bill isn't adequate.

Nobody is saying we shouldn't have a residents' bill of rights. Nobody is saying we shouldn't have a bill that moves forward in some of the ways that this bill moves forward. What we are saying is that it certainly doesn't go far enough.

This bill needs to go to committee. It needs to go to public hearings. This bill needs to be spoken to. It needs teeth, so that Mary can die in the same dignity in which Mary lived.

I thank you very much for your time.

**The Acting Speaker:** Questions and comments?

**Ms. Smith:** I would like to thank the member for Parkdale-High Park. I had an opportunity to visit her riding a number of times as I was visiting long-term-care homes across the province. While I was visiting those homes, there were some in her riding and in the west end of Toronto that were exceptional. There were others, however, that fell well below the mark, and those are the ones we're trying to address with many parts of this legislation.

One such part is section 15, where we require every home to have a volunteer program. There was one home in particular in the west end of Toronto that I visited where, when we signed in as visitors to this home, we noted that only six people had signed in during the month ahead of us—six people over a month. That is why we are instituting in this legislation that every home have a volunteer program and that every home strive to attract new volunteers by looking at a number of sources: church organizations, student groups in our high schools where they have to do 40 hours of service. We've listed a whole number of organizations in areas where we think homes should be looking for volunteers. We are now requiring homes to have an organized volunteer program.

The member will also be interested to know that under section 13 we ensure an organized program for the home, to ensure that residents are given reasonable opportunity to practise their religious and spiritual beliefs, which I think would be important to the member.

**1650**

The member talked about not enough funding for our CCACs. When I was running in 2003, I remember visiting one of my seniors in a retirement apartment. She too was having to go into a home because CCAC funding had just been cut. We've made unprecedented investments in home care, and we certainly recognize that most seniors want to age in place. However, not all seniors can age in place because of their medical needs, and in that area we have to provide them with long-term care. We try to provide that with dignity and respect for all those residents.



The member talked about lack of nurses. In fact, we've hired over 3,000 new front-line staff, and included in that are 682 new nurses.

She talked about privatization in long-term care. There's nothing whatsoever in this legislation that addresses that issue.

I look forward to a chance to speak to—

**The Acting Speaker:** Thank you. Questions and comments?

**Mr. Miller:** I'm pleased to add some comments to the speech on Bill 140 by the member for Parkdale-High Park. She raised concerns about individuals who are in long-term-care homes and how that isn't the appropriate place for them, as I have at the times I've had to speak on this bill. But I want to bring up another issue that will affect residents of long-term-care homes.

I'm receiving e-mails and letters from many pharmacists in the Parry Sound-Muskoka area who are concerned about whether they will be able to provide drugs going forward because of some of the actions of this government. I note an e-mail I received just yesterday from Steve Vandermolen, pharmacist/owner of Gravenhurst Pharmasave in Gravenhurst. He says, "To be brief, this bill will put at risk what was a safe drug delivery system in Ontario. Staffing and services will be reduced, leading to a lower standard of care for patients in this province who are heavily dependent on pharmaceutical services because of our medical expertise ... and intensified by the inaccessibility (shortage) of family physicians in Ontario."

"Of immediate concern is the drug pricing issue outlined by Ms. Luvison, which is threatening to make an already terrible situation even worse.

"My 16 years' experience is less than that of Ms. Luvison, but I can certainly concur that this is the most serious threat I've ever witnessed to our drug distribution system," which is certainly going to affect residents of long-term-care homes if there are no pharmacies able to provide the drugs they need.

I don't have time to get Ms. Luvison's whole letter on the record, but I would like to summarize. She says, "A once comprehensive, economical and safe system of drug distribution is being threatened by the Liberal government's policy.

"In my 25 years as a pharmacist I've never seen such a threat to Ontario's drug distribution system."

That's from Helen Luvison of Huntsville's Hometown Drugstore in Huntsville. They're talking about how Bill 102 will affect drugs, which of course will affect people in long-term-care facilities, which Bill 140 is talking about.

**Mr. Bisson:** I want to congratulate my colleague from Parkdale-High Park. I thought it was really well put together and tried to focus on what this is all about; that is, we need to take a look at the people this bill is going to affect.

Certainly I took to heart her comments when she said to remember that one day not too long down the road, if we're so lucky, we'll be in long-term-care institutions, if we end up living that long, and what we do here is

important, not only to those who are there now, but we have to take a look at it from the context of people.

She talked about a constituent and what happened to her: how her quality of life was affected when she ended up in a long-term-care institution that wasn't able to provide the type of service she was accustomed to, living at home with proper supports from the community and from her family, and how quickly she deteriorated and went downhill. I think we need to listen to that, because it is part of the reality.

What is a long-term-care system? I think this is one of the things we're missing in this legislation. It's not just about facilities; it's not about long-term-care facilities alone. It's about community services.

We, on all sides of the House, agree that the best thing to do is to try to have people stay at home as independently as possible for as long as possible, properly supported through the CCACs. She points out correctly that 20 of our 42 CCACs are in financial difficulty and are not going to be able to balance their budgets. That means there are a lot of residents in communities across Ontario who may end up being forced into long-term-care facilities early because we can't support them in the community.

The next step to me—and this is one of the big holes in the system—is that we don't have transitional housing. What do we do with people living in the community who need more services than we can provide through a CCAC but not as much as we provide in a long-term-care facility? We need to take a look at the whole issue of transition. I think that's where this bill falls apart. It doesn't look at a continuum of long-term care; it only looks at one part.

**Mr. Leal:** I listened very carefully to the member from Parkdale-High Park, and I sense from her remarks that we collectively want to have a piece of legislation, Bill 140, with input from all sides, that's the very best it can be to protect, aid and assist some of our most fragile residents of the province.

I really listened carefully to the story. She talked about her friend Mary and her experience in going from her own home to one long-term-care-home facility to another. But I note one of the things that I think is particularly important in addressing concerns of an individual like Mary, which we all have in all of our ridings throughout the province. In part II, section 6 talks about a plan of care, and I'll just read into the record section 6:

"Every licensee of a long-term care home shall ensure that there is a plan of care for each resident that sets out,

"(a) the planned care for a resident;

"(b) the goals the care is intended to achieve; and

"(c) clear directions to staff and others who provide direct care to the resident as to how and when to provide the care."

I think that's a very important part of this bill, that when one is dealing with a loved one or a friend as they move from their own home into a home setting, there is a plan for that individual going in, whether it's for their personal or spiritual needs, whether it's an opportunity



for socialization, an opportunity to go out of the home to pursue activities in the community. One of the reasons I know that a number of communities have taken their gas tax is to provide a—

**The Acting Speaker:** Thank you very much. That concludes the time for questions and comments. I will return to the member for Parkdale–High Park.

**Ms. DiNovo:** I thank all the honourable members for their input, in particular Ms. Smith. I understand that in spring 2004 she produced a report called *Commitment to Care*, and I'm sure she does have a commitment to care. She's done a lot of work that led up to this bill, so I just wanted to acknowledge that. But I also want to answer her question. She said, "Well, there's nothing in this legislation that addresses the privatization issue," and that's exactly the problem—or one of the problems. There is nothing in this bill that addresses the privatization issue. I read again from the Ontario Health Coalition here. They say in point 5 on long-term care:

"All long-term-care-facility beds receive public funding. The legislation must include strong message of support for public and non-profit delivery of care. All new capacity should be built in public and non-profit homes. Operators that transfer their licences must transfer them to public or non-profit ownership only."

So they call for a clear commitment. This government has not made a clear commitment for non-profit. They mention this issue as well and say that the for-profit homes are pushing to have the beds treated as licensed beds. This is akin to privatization of the beds in that sector. Again, this is an issue we would want looked at.

But I go back to the key points: They need at least 2.25 hours of daily nursing care and three baths a week. Is that so much to ask for? Is it too much to ask that this bill enshrine that? It certainly wasn't too much for the coroner's report to ask for in 2005. Also, it is critical that we have an ombudsman, an independent oversight of what happens in our long-term-care facilities. Of course, finally, there's the money issue, that we actually fund each resident \$6,000, which was the promise back in 2003, and not the \$2,000. That is the reality, and this bill does not address it.

**The Acting Speaker:** Further debate?

**Mrs. Sandals:** I'm pleased to be able to rise this afternoon and speak in support of Bill 140, the Long-Term Care Homes Act, 2006. This bill actually replaces three bills. Currently, we have the Nursing Homes Act, the Charitable Institutions Act, and the Homes for the Aged and Rest Homes Act, which in itself creates a fair bit of confusion, in that these acts each have somewhat different rules. One of the things the Long-Term Care Homes Act does is actually pull all these different homes together under one set of consistent rules. But it will do a lot more. It will enhance the culture of community in homes, because we do want to reinforce the idea that these are not facilities, these are homes where people live.

1700

We also want to strengthen the enforcement and improve the accountability around how these homes are

funded and managed. There are a number of things that will have a direct impact on the quality of life for residents and their families. For example, there is embedded in the bill an enhanced bill of rights, and that talks about protection from abuse and neglect; it talks about residents being able to meet privately with their spouse or another person of their choosing in a private place; it talks about the right to participate in the life of the long-term-care home. In fact, it requires that the home put in programs to prevent, detect and address any instances of abuse and neglect. While we understand that the vast majority of our homes provide a wonderful quality of life, there are those that don't, and we must ensure that our senior residents are not subjected to abuse or neglect.

There are enhanced whistle-blower protections, in case somebody does report one of these unfortunate instances. There is, as I mentioned earlier, a requirement that a registered nurse would be both on duty and in the home, physically present, 24/7.

One of the things we have instituted is unannounced annual inspections, and to appreciate what that means, under the previous rules the inspections of nursing homes were carried out by appointment. So the inspector would call up a week or so ahead and say, "I'm going to come and visit you on such and such a date and I'm going to book the inspection." Of course, it doesn't take a whole lot of smarts to know that if somebody just called to book the inspection and you've got something you may not want the inspector to notice, you'd better clean up your act. We said that really makes no sense. We have already instituted unannounced inspection visits, but we will actually be putting that right in the act to require that those annual inspection visits be unannounced, so that the inspector will see what's really going on in the home when they get there.

We are also establishing a new Office of the Long-Term Care Homes Resident and Family Adviser. The function of this adviser office will be to help families and residents, first of all when they're looking for homes, to figure out how the process works to access that, but then, if they have issues in the home, to provide advice and information about how to cope with any problems they may encounter in working their way through the system. There have been a number of comments about not having somebody labelled as an ombudsman. I would suggest to you, when you look at the complaints process we have enshrined, what is actually needed is somebody to help people, and that is the function of this office, to make sure that residents and families get the assistance they need in coping with the system.

I'd like to talk a little bit about the complaints process, because we've had a number of comments here about a lack of teeth. I think it's important that people understand that what's enshrined in the legislation in fact provides significant teeth.

The proposed legislation requires home operators to ensure that there are written procedures for initiating complaints to the home, and there must also be a procedure in place for how the home operator deals with those complaints once the complaint has been received.



These procedures for complaints must be posted in the home so that visitors to the home—that is, family—will be able to see posted, if you have a complaint, that this is how you deal with it, and how to start that process. When a resident is first admitted, they must be given in writing the information about the complaints.

When a complaint concerns the care of a resident or the operation of the home, the home operator, by law, will be required to forward the complaint to the Ministry of Health and Long-Term Care and it will then be dealt with quite stringently. When the complaint is received by one of the ministry's seven regional offices—it could be received orally in writing, it could be received in the action line, however it's being received—it will be investigated.

A complaint that is of a serious nature must be, by law, investigated within two working days. To give you an example of what we mean by "serious complaint," we would be looking at a situation of resident abuse resulting in an injury requiring hospitalization, an unexpected suspicious death of a resident, something of that nature. Other types of less serious complaints are investigated within 20 working days of the complaint. If there is a complaint of abuse or neglect, it must, by law, be investigated immediately.

Suppose that the unfortunate happens and one finds that the complaint is justified. Given that the complaints could be of varying nature, there will be a graduated system of sanctions that is again proposed right within Bill 140. So once the complaint has been investigated and found to be justified, there will absolutely be a plan of correction required of the operator. If that doesn't sort things out, the ministry will issue a compliance order or a work order, and if it's a case of fixing something, that will just automatically be billed to the operator of the home.

If there is non-compliance, then there are financial sanctions that can be applied against the operator of the home—and remember that the ministry is also the funder of these homes, so they do have the wherewithal to impose financial sanctions. If it's continuing complaints, there could be mandatory assisted management of the home, that is to say somebody from the ministry will come in and supervise the management of the home. And in extreme cases, we may simply revoke the licence of the home. It will cease to operate once the safe placement of the residents has been arranged for.

So I totally reject the idea that this act has no teeth. In fact, this act has significant teeth. In addition to that, because one of the concerns is always, "Okay, so suppose a staff or even residents and their family are reluctant to complain when they see something going on," the act also has embedded in it whistle-blower protection. What the whistle-blower protection does is provide that employees, volunteers, residents or anyone else making a report will not experience reprisals as a result of making that complaint. For example, dismissing a staff member, disciplining or suspending a staff member, intimidating, coercing or harassing any person, discharging a resident, discriminating against any person who has made a

report—all of these things are expressly prohibited by Bill 140. We want to make sure that if a complaint is received, it is dealt with very seriously, because we are determined that every long-term-care home in the province of Ontario will in fact deliver a high quality of care to its residents, that it will in fact be a home to the residents who are living in the home as they face serious health problems. We do not want the homes contributing to and compounding that; we want to make sure that they get the support and the care that we would all want our relatives to receive if they were residents, if we were the family of those residents. I am confident that that's exactly what Bill 140 will provide.

1710

**The Acting Speaker:** Questions and comments?

**Mr. Miller:** I'm pleased to add comments to the speech from the member for Guelph-Wellington on Bill 140, the long-term-care bill. As I've had a chance to say in the opportunities I've had to speak on this bill, it really comes down to a couple of things, a critical one being, as I outlined when I had a chance to speak last night, that there's not money coming to fulfill the demands in the long-term-care facilities. In fact, this bill, which has some good aspects to it, could actually end up lowering the amount of time that those working at long-term-care homes have to spend with people, the residents who need the care so much, by requiring more rules, more red tape, more forms to fill out.

The other key thing, of course, is that the money is not following to adequately deal with the provisions of this bill. This is in direct contradiction to the \$6,000-per-resident commitment this government made in the last election—another broken promise.

Another area that this government has just not addressed in terms of long-term care is capital projects for new beds. We saw the past government add some 20,000 new long-term-care beds and rebuild 16,000 long-term-care beds. Well, there are a lot of older homes that are very much in need of rebuilding. Some of them are at 1972 standards, where there are ward rooms with four people in a room and no private washroom. I have one home in Huntsville—Fairvern—that is very much in need of upgrading at this point. I would like to see this government address some of those older homes that have great staff and great atmosphere but need to have some of the physical facilities upgraded and addressed.

**Mr. Bisson:** To the surprise, I think, of the government member, I actually enjoyed some of what she had to say, because I think this is the—

*Applause.*

**Mr. Bisson:** Well, it's true. Sometimes we do agree with some of the issues.

I'm trying to put this into some perspective, and I thought the member from Parkdale-High Park had done a fairly good job of that in trying to put a face on it. I don't think there's anybody on either side of the House who disagrees that we need to find a way to make the system seamless and more effective when it comes to the residents that the homes are there for.



I guess part of the problem I'm having is, as I look at what happens to seniors within our community—not only seniors but others who fall into the system for varying reasons—we do have a bit of schism within the system. There is a disconnect, I believe, between what happens in the community and what happens when it comes to the long-term-care facility itself. We know there are a couple of big problems. One is, there are huge waiting lists. We have them in all of our ridings. People end up on the waiting list for placement in a long-term-care facility; it could take the better part of two years to get in. There's a shortage of beds. The response—and I think my good friend Mr. Miller raises this—is that the ward system is not necessarily the best way to go, especially as we know that the people who end up in long-term-care facilities tend to be older and frailer and are less tolerant of other people around them if there are episodes of dementia or if there are other things going on that will disturb them and make their lives more difficult. So the problem I'm having is that if I know there are huge waiting lists, that tells me we have a problem within the system and we need more beds.

We know that there is not enough support within the community. Is that to say that the system has failed and is not working at all? Of course not. But what it tells me is that we've not done as good a job in this bill as I think we need to do to take a look at the system as a whole. I'll get to speak to that in more detail later.

**Ms. Smith:** I appreciate the opportunity to speak yet again to our bill and to speak about some of the things that are in fact in the bill that address some of the concerns raised by my colleagues. I appreciate the member for Guelph-Wellington's comments, outlining a great deal of what's in the bill and some of the real activity that we are taking in order to improve the quality of life for our residents across the province.

I've had the opportunity to visit le Foyer in Hearst with the member from Timmins-James Bay, and what a gorgeous home that is. Je suis très contente que nos résidents à Hearst sont très bien servis là. I have also had the opportunity—well, I kind of share Eastholme with the member for Parry Sound-Muskoka. The member for Parry Sound-Muskoka spoke, as did the member for Timmins-James Bay, about the need for some redevelopment and some new homes. The member for Parry Sound-Muskoka is very fortunate, and I would say it's perhaps the legacy of his predecessor that has allowed him to have the benefit of four new homes in his riding when many of our ridings are without new homes, and certainly there are ridings across the province that need more beds, and upgrades of some of the homes that are there.

Part of the new licensing scheme that we've adopted in our long-term-care legislation will allow us to address the system as a system, as the member for Timmins-James Bay spoke of. It will allow us to look at those homes as they age and start to talk about what is needed for that home to renew a licence, to have a new licence in order to continue to operate. We're not talking

about closings homes; we're talking about a mechanism that will allow us to improve the stock of our homes across the province. We really believe that everyone across the province who lives in our 618 long-term-care homes that we presently run—and there are 75,000 residents across the province—live with dignity and respect, and we think that through this legislation we will be able to provide them with the same level of care and ensure that there is a consistent compliance mechanism for all of those homes to live up to the standards that we expect for all of our seniors across the province.

**Ms. MacLeod:** When I spoke earlier today, I was talking about how some of our seniors are actually living in long-term-care facilities that are older than me: since 1972. They're talking about investments here, there and everywhere, but they were all under the previous Conservative administration.

I've said to them today as well that we are short 850 long-term-care beds in Ottawa. You have been in power for three years and almost a month, and you've done nothing. It's taken you three years and a month to get this piece of legislation tabled, and you're rushing it through during a municipal election.

We've got 36,000 long-term-care residents who are living in 1972-designed long-term-care facilities—36,000 people. They deserve far better. They should be looked after under this piece of legislation, but they're not. In Ottawa, we're 852 long-term-care beds short. We are short one small hospital in that city, and you've done nothing with this piece of legislation to ensure that the residents in my city and in my constituency are going to be looked after.

*Interjection.*

**Ms. MacLeod:** You guys are the ones who are supposed to be providing the answers, and you're not. You're sitting there looking at us and asking us to provide you with the answers. You're the government. You have to start understanding that you are the government; you have to start responding like you are the government and not blaming other people. That's what this government does. They don't go back and they don't do creative things; they blame.

The last major investment in the long-term-care facilities in this province was in the Progressive Conservative administration between 1998 and 2001. I would ask the members opposite if they would actually look at the city of Ottawa, go there and invest what they need to invest so that the residents in my city are well cared for and well looked after, like they deserve to be.

**The Acting Speaker:** That concludes the time for questions and comments. I'll return to the member for Guelph-Wellington, who has two minutes to reply.

**Mrs. Sandals:** Thank you to my colleagues from Parry Sound-Muskoka, Timmins-James Bay, Nepean-Carleton and my seatmate from Nipissing, whose file this is and who has done a tremendous amount of work. So congratulations to Monique on all the wonderful work she's done on this file.

Just a few brief comments: The member from Timmins-James Bay mentioned the whole issue around



what happens in the community in a seamless interface. I think it is worthwhile to note that we agree with the member that many of our seniors can, as the phrase goes, "age in place." Because we recognize that many people are happiest in their own homes, we have in fact increased the funding for community care access for home care significantly to ensure that that will happen.

1720

One of the consequences or results of that, I suppose, is that when we look at the actual long-term-care population, we find that residents in long-term-care homes are tending to have more and more serious problems. In the lingo of long-term care, we would say they have higher acuity. Because we recognize that they have much more serious problems, we have, in fact, already provided \$19 million to the long-term-care sector to purchase 3,827 ceiling lifts and 189 bariatric lifts.

You might ask, "What are lifts?" This is to enable the staff in nursing homes to get people in and out of wheelchairs, in and out of bed and in and out of bathroom needs without endangering the staff, and to make it much more comfortable for the residents, who aren't being sort of manhandled and lugged by the staff. So we do understand that we need to improve—

**The Acting Speaker:** Thank you very much. Further debate?

**Mr. Barrett:** I appreciate the opportunity to weigh in on Bill 140, the Long-Term Care Homes Act. I would like to thank my colleague, who has exited to attend to some important duties.

I want to make it clear that I, along with the PC caucus, recognize the importance of constructive input to this legislation. It does need some substantial rewriting as the Legislature takes a look at the three existing pieces of legislation. The concern is that it really does little to address some of the problems we've been hearing about during this debate. During the debate this afternoon, we do see that it's really a study of contrast.

Many of those who were in the Ontario Legislature in 1998 will recall that the Mike Harris government of the day announced an investment of \$2.1 billion in long-term care, to build 20,000 brand new beds and rebuild 16,000 of the province's oldest beds—essentially, we'd consider those beds structurally non-compliant. In many ways, the former Mike Harris government indeed stepped up to the plate when it came to long-term care with this \$2.1-billion announcement. This isn't the kind of announcement we've been hearing of late with the present government.

This announcement came to have a significant impact in my area of Haldimand–Norfolk–Brant. In Haldimand, for example, under the Ernie Eves government, there was a big shot in the arm with respect to long-term care in the year 2003. We saw the announcement of 64 new long-term-care beds for Parkview Meadows, a home in Townsend. It's adjacent to Jarvis, at the intersection of Highways 3 and 6.

It took months and months of meetings and discussions over that winter—sometimes heated debate, as I

recall. I was quite heartened, by spring, to finally be able to put the issue of long-term-care distribution throughout Haldimand county to bed.

In addition to Parkview Meadows, there were other facilities involved, such as Grandview in Dunnville. Also, new beds were allocated to War Memorial Hospital, located in Dunnville. They received 64 new beds, as did Parkview Meadows.

My discussion with the good people running not-for-profit Parkview Meadows goes back to shortly after I was first elected. They asked me to come in and sit down with the board, and explained to me, 11 years ago, the plans and the foresight they had to extend their existing facility. When they did the initial build, they set up the infrastructure—for example, the waterlines—to accommodate the additions that now have been made under part of that \$2.1-billion announcement. I certainly congratulate those people for their optimism and their patience as they worked together to make their dream a reality. It really is a beautiful facility.

As many of us well know locally, much of that impetus, the sealing of the deal, came through former provincial health minister of the day Tony Clement, with a great deal of assistance as well from the Associate Minister of Health and Long-Term Care at the time, Dan Newman. That Parkview announcement was quite heartening and one of a number of announcements to strengthen long-term care in my area.

One piece—actually the first piece—of Haldimand county's long-term-care puzzle also fell into place with a new partnership that was announced that saw 128 beds remain at the existing Grandview Lodge long-term-care facility in Dunnville and then, as I had mentioned, an additional 64 beds were created to be operated at Haldimand War Memorial Hospital in the town of Dunnville. That bed allocation again was part of that 20,000 new long-term-care bed announcement that was made and, in this case, to be fulfilled, hopefully, by the year 2005. A lot of people will be watching to what extent this government is going to complete that process.

In December 2002, I had accepted an invitation from the mayor of Haldimand county to appear as a deputant before Haldimand county council. As I mentioned, there was quite a debate that winter. I was asked for advice on the redevelopment of long-term-care beds within the county. I was in a position to provide advice but not solutions. We still, at that time, did not have any requests for proposals available to people in the county. There was frustration. It took a while to get these requests for proposals out, but it gave people an opportunity to hammer down their thoughts on what they felt was really, really needed in Haldimand county. As it turned out, in addition to the changes that were being made in Dunnville, which is down at the east end of the country, there was an opportunity for people in the west end to discuss this and, lo and behold, did come up for that proposal for the Parkview Meadows area in Townsend. I know there were meetings certainly in Dunnville and there were petitions, much consultation and, in my view, a very important political process went on that winter.



While the area was strengthening its long-term-care services, support and improvements came forward for other health services as well locally. As far as long-term care in Norfolk county, also in my riding, I had an opportunity to attend the groundbreaking ceremony for the new Norview Lodge. A number of us posed for the photographs. I was really pleased that my cousin Robbie Blake was also there. He has adopted that facility as his own, which is much appreciated by residents and people in the area. That commitment to the brand new Norview Lodge by the provincial government—the existing building had to be torn down; basically nothing there but bulldozed sand—was something in the order of \$13 million, again depreciated over 20 years, to build our new Norview.

Also at that time, Tony Clement, the health minister, confirmed additional ministry support for Norfolk General Hospital. This was a much-required top-up to deal with an overrun, if you will, a top-up to the additional request of years earlier for \$2,949,190 for the emergency room expansion, a project that was completed. That announcement, I think, covered the additional cost.

1730

I remember that the go-ahead for that emergency department came from the Ontario government as far back as 1989, and originally \$5,284,000 was approved. There was need for an elevator and additional construction, and the revised ministry grant came in at well over \$8 million, representing approximately 50% of what was finally projected at about \$16.5 million. That was also followed with approval by the ministry for a CT scanner for Norfolk General, again marking, as with long-term care, months of perseverance and patience by hospital board members, by people throughout the Norfolk county catchment area, which is most of the county other than the far western portion relating to Tillsonburg hospital. Much work went into that, a great deal of work, again working with the Minister of Health's office and a great deal of work on behalf of my staff in my constituency office. So we now have new diagnostic equipment. It offers our area reduced waiting times, less travel time and access to CT services right in Norfolk county.

I mentioned Tillsonburg. At that same time, the road map, the groundwork, was done for dialysis service at Tillsonburg District Memorial Hospital. I had an opportunity to work on that project with Ernie Hardeman and also Steve Peters, the minister and member for the neighbouring Elgin county—a much-required and asked-for service that pulls together dialysis treatment for people in our area, throughout Elgin county, Norfolk county and Oxford county.

Just to go back, an awful lot of activity occurred within a one-year period, and certainly the long-term-care development was driven by that \$2.1-billion announcement for the construction of 20,000 new long-term-care beds across the province. I sincerely hope that the present government does not abandon that initiative and is up to meeting that mark.

All of this occurred in the 2003-04 fiscal budget year. It was a breath of fresh air for our area hospitals. I know

there were very significant amounts of funding. I've got all the figures here. Much of that is a history that I certainly, as an MPP, look on with a great deal of pleasure. I'm personally proud of that legacy and what was accomplished at that time: the investments in our hospitals, the creation of additional long-term-care beds and the plans that were set for future developments. Some plans are somewhat in abeyance at present, and I have great hopes for the future.

Times have changed, and many in this House will know that during the last election, the present government promised to continue with these kinds of investments made by the previous governments—the Ernie Eves and Mike Harris governments. There was a promise with respect to a seniors' strategy, a promise to ensure more respect and dignity for people in their senior years. Again, there is concern. We're concerned with respect to something in the order of 36,000 seniors who are presently, in many cases, in antiquated B- and C-grade long-term-care beds.

As I went through this particular piece of legislation, I came to realize that there is really not an indication of a commitment or fulfillment of a promise for continued investments. When you look at Bill 140, for example, there's nothing in there that would state that it would protect residents from extreme temperature fluctuations. I'm thinking primarily of the heat waves that we have been exposed to, not so much last summer but the summer before. It doesn't seem to be enshrined here to provide any responsibility to provide air conditioning, for example, something that is very important for people in long-term-care facilities when we see news reports that advise people who are vulnerable, people with respiratory problems, to stay inside during heat waves.

We see a government that's unplugging snack machines in our schools, reminding young people to eat vegetables, and we fully support that, but I don't see anything in Bill 140 to ensure that residents in long-term-care facilities have a guarantee of nutritious, fresh food.

I'm very concerned that much of this isn't spelled out in the amalgamation of three existing pieces of legislation, and I am concerned, if we have taken three existing pieces of legislation and merged them together and come up with one piece of legislation, that it is essentially not much different than the existing pieces of legislation that it replaced, those separate pieces of legislation. I'll remind the House, being the Nursing Homes Act, the Charitable Institutions Act and the Homes for the Aged and Rest Homes Act.

As we debate this legislation—and I've received some very good advice from the former Minister of Health, the MPP for Kitchener-Waterloo, Elizabeth Witmer, who has worked very hard on the health file and the long-term-care file. I'm saddened when my colleague Elizabeth Witmer points out that the bill really amounts to not much more than smoke and mirrors. For example, Bill 140 refers to patients being given two baths per week, but what it doesn't say is that this is already the case. Again, when you take three old pieces of legislation and merge them together, you end up with one old piece of legis-



lation, essentially. We were looking for something much more than this.

Bill 140 promises that nursing care must be available 24/7. This is a promise that was made nearly two years ago. It doesn't provide any way of producing enough nurses or caregivers to actually fulfill this promise.

We're aware of other figures. Nursing homes spend something in the order of \$5.46 on meals, and we are aware that in correctional facilities, something in the order of \$11 is spent on a meal.

There's a perception that this government is shelving its commitment to provide those new facilities, those new beds, for residents. We don't see the construction of new long-term-care homes that we were seeing in recent years. I'm not sure how many are on the go in the province of Ontario. Maybe during the hits someone will give me that information. I don't know whether it's maybe 300 or 400 beds over the last three years. I'd like to get some information on that.

I'm very concerned that Bill 140 indicates that this government seems to be content with that 36,000 figure—36,000 people living in beds that are in wards with four people, no washroom within, very narrow hallways. Again, the concern is that we don't see the plan, we don't see the announcements, let alone the delivery, with respect to a continuation of the funding, that \$2.1 billion, that people in the province of Ontario have grown used to expecting would continue over the last eight years.

1740

I was reading a news release from the Ontario Long Term Care Association. The title kind of sums it up: "Would You Call Living in a Four-bed Ward 'Home'?" I would like to quote, in part—I realize I have about one minute left: "The new Long-Term Care Homes Act falls far short of its goal to create resident-centred home environments for the over 36,000 residents who live in the 350 older B- and C-classified homes in communities throughout Ontario.

"Without significant changes and a commitment to a capital renewal program, these residents will be denied the same physical comforts, privacy and dignity already being enjoyed by residents in newer homes. Most of them will be forced to continue to call a three- or four-bed ward room 'home.'"

That comes from the Ontario Long Term Care Association. It goes on to say, "It also appears that almost half the province's long-term-care residents have been forgotten when it comes to a realistic vision for their future physical comfort, privacy and dignity."

I concur in that statement.

**The Acting Speaker:** Questions and comments?

**Mr. Bisson:** I want to thank the member for his contribution to the debate. I thought he made an interesting point—maybe he'll want to speak to it a little bit more fully in his two-minute response—that really there's nothing earth-shattering in the legislation. I like the way he put it, because it's probably fairly descriptive: What we're basically doing is taking three old acts and creating

one old act. I thought that was kind of an interesting comment. Although there are some new aspects in the legislation, basically there's nothing earth-shattering. I think the point he's trying to make is that this is not like we're creating some kind of revolution in home care or in long-term-care facilities, as was promised by Mr. Smitherman, the Minister of Health, when he referred three years ago to the changes that could be anticipated.

What we're seeing in this act is basically what currently exists by way of regulation being brought into the legislation and in some cases just remaining in regulation, but being spread from three acts into one. I think it's an interesting point that he makes.

The other thing is that he points to the difficulty we have; that is, the distribution of beds within the system across the province. We have some areas that are luckier than others because of the demographics of the population: There's been a buildup of residential long-term-care beds in those particular communities or a diminishing of the population; it goes to both sides. One of the great difficulties we have is ensuring we have the proper amount of beds available in each area or each community for people who need to go into long-term-care institutions.

I think that's important, but we cannot forget the community, and I always want to come back to that. I think we all agree that if you can leave somebody at home and allow them to live independently with proper supports, that's always the first option. I think that's the part I would much rather be working at, because I think we have some problems in how we integrate the community care access centres and the long-term-care facilities. We'll talk about that later.

**Ms. Smith:** I appreciate the opportunity to respond to some of the comments the member for Haldimand-Norfolk-Brant made.

He questioned the diets that are available to some of our residents in long-term care. I would ask him to perhaps turn to subsection 10(1):

"10(1) Every licensee of a long-term care home shall ensure that there is,

"(a) an organized program of nutrition care and dietary services for the home to meet the daily nutrition needs of the residents; and

"(b) an organized program of hydration for the home to meet the hydration needs of residents.

"(2) Without restricting the generality of subsection (1), every licensee shall ensure that residents are provided with food and fluids that are safe, adequate in quantity, nutritious and varied."

As well, during our term in office we have implemented a regulation that requires that all menus in long-term-care homes are not only reviewed but approved by a dietitian, which is an upgrade to what existed under the previous government's management of long-term care—they now have to be approved. So we're ensuring that our long-term-care residents get the proper nutrition they need in our homes.

I'd also like to dispel the myth the member raised yet again that people in jails receive food to the tune of



\$11.56, while those in long-term care receive five dollars and some cents for food. In fact, that's apples and oranges. The raw food number is what is used for long-term care. When you compare apples to apples, the amount that's spent on food in long-term care, including preparation and service, is \$18.10.

The member also spoke about our need for nurses. In fact, we've hired over 3,000 front-line workers in the last three years in our long-term-care sector and, among those, over 600 nurses. We've invested an unprecedented \$740 million in long-term care. We also have seen the implementation of 24/7 RNs, and in fact that has been in place for the last two years; again, one of the initiatives that we implemented in response to my report of 2004.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I'm pleased to rise today to comment on my colleague from Haldimand–Norfolk–Brant's comments on the Long-Term Care Homes Act, 2006. Yes, it is bringing three acts together. The present government, when they were campaigning in 2003, said they wanted to start a revolution in long-term care. They do have a quote here from George Smitherman—at the time, he wasn't yet the minister—"a revolution in long-term care."

I think it's our responsibility to point out some things in the act that we would like to see strengthened. These are the people who are most vulnerable in our society, the people in the long-term-care centres. Yes, there is certainly a need to make sure they have adequate nursing care in the long-term-care centres. I know that many of the long-term-care centres in my riding of Haliburton–Victoria–Brock struggle to get adequate staffing in place to give those patients the care they deserve.

I have the Bon-Air Nursing Home in Cannington. They're pretty concerned, under this legislation as it stands now, that they're not going to be able to get a licence. They're classified as a C facility, so renewing their licence mightn't be possible in the next four years. They're having trouble. They want to improve their home. Can they go to the banks for financing? There are a lot of questions yet to be answered here. It doesn't give them the security to update their long-term-care facilities the way they want to, to ensure that their clients receive the best care possible.

I know that the previous government invested to build 20,000 new beds and rebuild 16,000 of the province's oldest and structurally most non-compliant beds. They put many thousands more beds in my riding of Haliburton–Victoria–Brock, but the need is there again. That is part of what we're saying—the demographics. The need is going to continue to be there. It shouldn't be one-time funding. It needs to go on and on.

**Mrs. Sandals:** I'm pleased to respond to the comments made by the member from Haldimand–Norfolk–Brant. One of the things we've recognized is that when you look at the whole issue of improving quality of care, as in many other areas and walks of life, if you're going to improve the quality, you need to improve the training; you need to make sure that staff are highly trained around how to provide those services. So the legislation actually

sets out some requirements for the training and orientation of long-term-care home staff, and also for volunteers, because it's important that the volunteers understand how to work with the residents as well.

One of the issues that has been identified to me by the long-term-care providers in my hometown has been that increasing number of long-term-care residents who suffer from dementia. In my community—ours, Speaker, because we share the agency—the community mental health centre has been working with the long-term-care homes to make sure that the staff are trained around handling elderly residents who suffer from dementia. I know that both the long-term-care homes and the community mental health centre were delighted last year when in our budget we invested \$2.4 million in dementia care training for front-line staff at long-term-care homes. That has enabled the community mental health centre workers to work with the long-term-care staff to increase their confidence around how to appropriately deal with residents who are suffering from dementia—just one of the improvements.

**The Acting Speaker:** That concludes the time available for questions and comments. I'll return to the member for Haldimand–Norfolk–Brant to respond for two minutes.

**Mr. Barrett:** Thank you for the comments. I appreciate that the member from Timmins–James Bay reiterated the principle that you can't take three old acts and, in my view, just do a cut-and-paste and come up with anything other than one old act. It's like vaudeville. It's the same old act, and the audience soon tells you, "New material." You need new material. You can't just repeat. You can't do a cut-and-paste and pretend you've come up with new material.

To the member for Nipissing: I recall visiting a long-term-care facility in that riding. That was during a by-election. We arrived on election day, early in the morning, and to our surprise, every single person in there who wanted to vote had already voted. Someone had wheeled everybody down, and I sincerely hope that staff person who wheeled people down to vote during that by-election explained to them the variety of parties that are available during an election. I know in my riding, many of us visit the long-term-care facilities, many of which are a poll on their own. I'm always surprised to see in many elections where a candidate will win every single poll—I think of Conservative candidates, and I think of some of my elections—but in some of these long-term-care facilities, it's exactly the opposite: Every single person voted Liberal, and I always wondered how that came about. That's not right. That is not appropriate, and I wish to raise that. I suggest that, on occasion, people are unduly influenced in some of these facilities when they end up voting the way they didn't really want to. That's what I object to.

**The Acting Speaker:** It being very close to 6 of the clock, this House stands adjourned until tomorrow at 1:30 p.m.

*The House adjourned at 1753.*



# LEGISLATIVE ASSEMBLY OF ONTARIO ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

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		York South–Weston / York-Sud–Weston	Vacant

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Une liste alphabétique des noms des députés, comprenant toutes les responsabilités de chaque député, figure dans les premier et dernier numéros de chaque session et le premier lundi de chaque mois.



# CONTENTS

Tuesday 24 October 2006

## MEMBERS' STATEMENTS

<b>Tobacco industry</b>	
Mr. Barrett .....	5695
<b>Forest industry</b>	
Mr. Gravelle .....	5695
<b>Ontario Association of Chiefs of Police</b>	
Mr. Dunlop .....	5695
Mr. Bisson .....	5696
<b>Eid-Ul-Fitr</b>	
Mr. Qaadri .....	5696
<b>Native land dispute</b>	
Mr. Runciman .....	5696
<b>Jonathan Brown</b>	
Mr. McNeely .....	5696
<b>Supply management</b>	
Mrs. Mitchell .....	5697
<b>Rural Ontario</b>	
Mr. Milloy .....	5697

## FIRST READINGS

<b>Red Leaves Resort Association Act, 2006, Bill Pr30, Mr. Miller</b>	
Agreed to .....	5697
<b>Electoral System Referendum Act, 2006, Bill 155, Mrs. Bountrogianni</b>	
Agreed to .....	5698

## MOTIONS

<b>Committee sittings</b>	
Mr. Bradley .....	5698
Agreed to .....	5698

## STATEMENTS BY THE MINISTRY AND RESPONSES

<b>Electoral reform</b>	
Mrs. Bountrogianni .....	5698
Mr. Sterling .....	5700
Mr. Prue .....	5701
<b>Local health integration networks</b>	
Mr. Smitherman .....	5699
Mrs. Witmer .....	5701
Mr. Bisson .....	5701
<b>Ontario Association of Chiefs of Police</b>	
Mr. Kwinter .....	5700
Mr. Kormos .....	5701

## ORAL QUESTIONS

<b>Sex offenders</b>	
Mr. Runciman .....	5702
Mr. McGuinty .....	5702
<b>Health care funding</b>	
Mr. Hudak .....	5703
Mr. Sorbara .....	5703, 5706
Mrs. Witmer .....	5706

## Colorectal cancer screening

Mr. Hampton .....	5704
Mr. McGuinty .....	5704
Mr. Smitherman .....	5704

## Water quality

Mr. Hampton .....	5705
Mr. Ramsay .....	5705

## Hospital services

Mr. Hampton .....	5706
Mr. Smitherman .....	5706

## Education funding

Mr. Duguid .....	5707
Ms. Wynne .....	5707

## Respite care

Mr. Klees .....	5708
Mr. Smitherman .....	5708

## Consumer protection

Mr. Kormos .....	5708
Mr. Phillips .....	5708

## Supply management

Mr. Wilkinson .....	5709
Mrs. Dombrowsky .....	5709

## Transit funding

Mr. O'Toole .....	5709
Mr. Caplan .....	5710

## Family Responsibility Office

Ms. Horwath .....	5710
Mrs. Meilleur .....	5710

## Regulatory modernization

Mr. Flynn .....	5711
Mr. Peters .....	5711
Mr. Takhar .....	5711

## Waste management

Mr. Ouellette .....	5711
Ms. Broten .....	5711

## PETITIONS

### Long-term care

Mr. O'Toole .....	5712
Ms. DiNovo .....	5714

### Municipal government

Mr. Prue .....	5713
----------------	------

### Immigrants' skills

Mr. Leal .....	5713
Mr. Kular .....	5714
Mr. Gravelle .....	5714

### Health premiums

Ms. Scott .....	5713
Mr. Ouellette .....	5715

### Landfill

Mr. Bisson .....	5713
------------------	------

### Electricity supply

Mr. Miller .....	5714
------------------	------

### Fair access to professions

Mr. Leal .....	5715
----------------	------

### Water quality

Mr. Ouellette .....	5715
---------------------	------

## SECOND READINGS

### Long-Term Care Homes Act, 2006,

Bill 140, Mr. Smitherman	
Mr. Levac .....	5715, 5718
Mr. Miller .....	5716, 5726, 5728
Ms. DiNovo .....	5717, 5722, 5727
Mr. Leal .....	5717, 5726
Ms. MacLeod .....	5717, 5718, 5722 5729
Ms. Smith .....	5721, 5725, 5729, 5732
Mr. Barrett .....	5721, 5730, 5733
Mr. Bisson ..	5721, 5726, 5728, 5732
Mrs. Sandals .....	5722, 5727, 5729 5733
Ms. Scott .....	5733
Debate deemed adjourned .....	5733

## OTHER BUSINESS

### Visitors

Mr. Peters .....	5698
Mr. Levac .....	5702
Mr. Takhar .....	5702
Mr. Kular .....	5702

### Members' comments

Mr. Runciman .....	5712
The Speaker .....	5712
Mr. Klees .....	5712
Mr. Bradley .....	5712

## TABLE DES MATIÈRES

Mardi 24 octobre 2006

## PREMIÈRE LECTURE

<b>Loi de 2006 sur le référendum relatif au système électoral, projet de loi 155, M<sup>me</sup> Bountrogianni</b>	
Adoptée .....	5698

## DÉCLARATIONS

### MINISTÉRIELLES ET RÉPONSES

#### Réforme électorale

M <sup>me</sup> Bountrogianni .....	5698
M. Sterling .....	5700
M. Prue .....	5701

## DEUXIÈME LECTURE

<b>Loi de 2006 sur les foyers de soins de longue durée, projet de loi 140, M. Smitherman</b>	
Débat présumé ajourné .....	5733

1  
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## Legislative Assembly of Ontario

Second Session, 38<sup>th</sup> Parliament

## Assemblée législative de l'Ontario

Deuxième session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Wednesday 25 October 2006

Mercredi 25 octobre 2006



Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
Claude L. DesRosiers

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 25 October 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 25 octobre 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### TORONTO EXPO 2015

**Mr. Ted Arnott (Waterloo–Wellington):** We know the McGuinty Liberal government has broken faith with the people of Ontario, that they will say anything to get elected, that they have broken at least 50 of their election promises and that they have no plan for the province. Since the House resumed this fall, their answers in question period repeatedly contradict the truth, and they are entirely abdicating provincial leadership by blaming the federal government for all of their shortcomings.

But surely they will recognize the definite economic benefits that Expo 2015 would bring to the entire province if Toronto's bid meets with success, and surely they will work co-operatively with the city of Toronto and the federal government instead of pointing a finger of blame, which will only cause the bid to lose momentum.

According to today's press, Toronto Expo 2015 would generate 143,000 jobs in the city and \$13.5 billion in economic activity across the country. As the member for Dufferin–Peel–Wellington–Grey said, "The world's fair would be a huge boost for the city." Not only that, but hundreds of thousands of people coming to Toronto could be encouraged to visit attractions and communities across the entire province, like Elora, St. Jacobs, Glen Williams, Norval and countless other places to see and to experience.

Obviously, the taxpayers' interests must be guaranteed and all public projects need to be kept within a tightly controlled budget, but let them set aside their partisan differences, prioritize this challenge, share the responsibility and work together to send the strongest possible bid for Toronto Expo 2015. Let us recognize that the 21st century belongs to Canada, and let us show our best to the world.

#### GOVERNMENT'S RECORD

**Mr. Bruce Crozier (Essex):** Speaker, I appreciate this opportunity to tell you and my colleagues all the good things that are happening in and around the riding of Essex.

Family health teams are going to be established in Amherstburg, Harrow and neighbouring Leamington;

stand-alone angioplasty in Windsor to serve our residents; over \$8 million in new funding to expand home and community care in Windsor–Essex; a new satellite medical school at the University of Windsor with 14 additional spaces announced this year; soon a satellite dialysis clinic at Leamington District Memorial Hospital.

In education there is a moratorium on school closures; Harrow high school still open and going strong; over \$600,000 to help keep good schools open; \$200,000 for Harrow high school in the Lighthouse program; record investment in school boards in the riding, including millions for infrastructure, and two new schools as well.

Speaking of infrastructure, there is an \$80-million announcement for four-laning the Highway 3 bypass, something I worked on for 13 years; six-laning Highway 401; \$8.8 million for local municipalities for transportation infrastructure; and over \$14.5 million in funding for municipal infrastructure projects.

The member for Beaches–East York said I needed bolstering down there. Thank you very much, sir; I'm doing well on my own.

#### LONG-TERM CARE

**Ms. Lisa MacLeod (Nepean–Carleton):** I am pleased to stand in this Legislature today and congratulate my city, the city of Ottawa, for coming to the rescue of the McGuinty Liberals and providing some more long-term-care beds.

Just last night in this chamber, I stood and spoke to Bill 140 and the lack of adequate long-term-care beds in my city. I pointed out how rushed and inadequate this new Liberal bill was and how many more broken promises it failed to remedy.

When I brought this issue to the attention of the minister in the Legislature, I was hoping that he would be working on this problem for the people of Ottawa. It turns out that instead the city of Ottawa is coming to the rescue. As pointed out in the Ottawa Citizen on October 14, the lack of long-term-care beds in Ottawa "has led to cancelled surgeries, crowded emergency rooms and longer wait times for key procedures." The capital region is short 850 long-term-care beds. That is enough beds to fill a community hospital.

I am pleased to point out that the city of Ottawa will be opening up one bed at Carleton Lodge in my riding immediately and five beds at the Peter D. Clark home over the next three weeks. Six beds is a start, but the problem is far from solved.



If the Minister of Health and Long-Term Care had a real, concrete plan, the city would not have to squeeze a few beds from its already taxed system in order to bail them out. One has to wonder if this is the same approach that the Minister of Health will depend on to solve other health care problems in Ottawa and around the province.

If the minister is waiting for municipalities to bail his government out, then he should be honest about it instead of hiding behind rhetoric and blaming parliamentary ghosts from years past with this ineffective legislation.

#### MARIANNE'S PLACE

**Ms. Andrea Horwath (Hamilton East):** The McGuinty government is neglecting the situation in Guelph–Wellington, which is causing a tragic situation to unfold at Marianne's Place, a shelter for abused women and children escaping violence in the home. This shelter is run by Guelph–Wellington Women in Crisis, which is funded by the Ministry of Community and Social Services. It could close this very weekend.

Last night, shelter workers represented by CUPE rallied to draw attention to the plight of women and children who rely on Marianne's Place as their lifeline. Workers are fighting valiantly to maintain the collective agreement they currently have, but management wants to ignore their workplace safety concerns, cut bereavement leave and force concessions on wages and other issues. The board is threatening to close the shelter if the workers go on strike, which they have the right to do as of this Friday at midnight.

Why is the McGuinty government turning a blind eye to this potentially perilous situation? If the shelter closes, what happens to the women and children, and the tangible help and expert counselling they receive from CUPE workers? I shudder to think. Workers do not want to go on strike. Their union has tried everything within its power to come to a resolution. The McGuinty government has a role to play in ensuring that this urgent labour dispute is settled by tomorrow so that Guelph–Wellington women, kids and shelter workers remain safe and secure.

I call on the McGuinty government to show leadership that will keep Marianne's Place open. Do what needs to be done so that the workers can continue to provide services to women and children fleeing violent homes—services that are desperately needed in Guelph–Wellington and, unfortunately, across this province.

#### HOSPITAL FUNDING

**Mrs. Linda Jeffrey (Brampton Centre):** I rise today to inform this House of the progress and current status of both the Brampton Civic Hospital and the Peel Memorial Hospital. Last Friday, Ontario Health Minister George Smitherman and his parliamentary assistant, Dr. Kular, visited the site of our new hospital, scheduled to open in the fall of 2007, to announce funding for equipment and furnishings for the Brampton Civic Hospital.

This timely announcement of \$18.9 million will be used to help our hospital purchase such items as medical imaging equipment, lamps and articulating arms for the emergency room, in addition to things like sterilizers and washers needed for infection control.

1340

I was therefore disturbed to read reports in my local paper in which the leader of the official opposition idly speculated about the future of my existing hospital on Lynch Street. According to the Brampton Guardian, Mr. Tory asked, "What happens with Peel Memorial Hospital? Is it going to be closed?" Well, let me put the fears of the member from Dufferin–Peel–Wellington–Grey to rest and remind him of an announcement made in October 2005: Minister Smitherman announced the redevelopment of the Lynch Street site, with construction slated to begin in 2009-10. This capital project was one of several hospitals approved under ReNew Ontario, our five-year, \$30-billion infrastructure investment plan.

I'm proud that for the first time this province has a long-term plan for building and funding our hospitals that will bring much-needed stability and certainty to hospitals and better health care for Ontarians.

#### REPORT, OFFICE OF THE INTEGRITY COMMISSIONER

**Mr. Robert W. Runciman (Leeds–Grenville):** As the subject of the Integrity Commissioner's report released today, I want to indicate my respect for Justice Osborne and my acceptance of his findings. However, I believe there are issues fundamental to our role as legislators that are not referenced or commented upon by Justice Osborne.

Members of this assembly have special responsibilities. From an opposition perspective, it's critically important that we have the ability to exercise oversight of government functions. Justice Osborne's cautions seem to take issue with at least one avenue of opposition oversight without commenting on the implications. As an example, reference the plea bargain arrangement made with Karla Homolka. Had we, as legislators, known about the deal prior to its completion, Justice Osborne's interpretation of sub judice would restrict us from criticism. In other words, as legislators, we can't superintend until it's too late.

Perhaps the most serious issue surrounding the report is the conclusion that sub judice applies outside these chambers. He offers no support for that conclusion. Indeed, Erskine May, Montpetit and others indicate that sub judice clearly only applies inside the House and within its committees as a restraint on members' immunity. When members leave these chambers and comment publicly, they face the possibility of lawsuits or electoral defeat. Osborne is now saying members have less right to speak than the general public.

These are important and fundamental questions. I accept Osborne's findings, but to the extent his ruling suggests limits on the rights of legislators to exercise



oversight, that I will never accept. My conscience will be my guide.

### CHILD CARE

**Mr. David Oraziotti (Sault Ste. Marie):** Today is the sixth annual Child Care Worker and Early Childhood Educator Appreciation Day. More than 120 municipalities are also marking this important day, and we join them in saluting these hard-working professionals. Child care workers are people who every day go above and beyond to make sure children across Ontario get the support they need to learn and grow. From education assistants going the extra mile to those working in child care centres supporting early development, child care workers are on the front lines making sure Ontario's children have a bright future. Through our Best Start plan, we've created 15,000 new child care spaces with our municipal partners since 2004, helping to make child care more affordable for Ontarians.

Ontario is working hard to support child care workers and early childhood educators, but the Harper government's cancellation of the landmark \$1.9-billion early learning and child care agreement with Ontario also cancelled 10,000 more child care spaces. While the NDP claims to be waging an all-out battle for child care, they chose to sell out Ontario families, voting to cancel the deal as well. Clearly, Prime Minister Harper has a responsibility to families and to hard-working child care professionals to stand up for Ontario.

On behalf of our government, let me extend a heartfelt thank you to all early childhood educators and child care workers in the province of Ontario.

### PROGRESSIVE CONSERVATIVE PARTY

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** I was a bit confounded when I read an article in Saturday's Toronto Star about the official opposition's secret meetings with some of the landowner associations in the province. I, myself, have had the opportunity to meet with many rural Ontarians. Like the rest of my party, I will continue to work with all legitimate organizations to ensure that farmers' voices are heard and their views considered when policy is formed.

The fact that the Tories voted against clean drinking water as some sort of awkward gesture to certain groups is a strange move. Rural Ontarians are as interested in clean water as all Ontarians. At least this explains—

**Mr. Robert W. Runciman (Leeds-Grenville):** On a point of order, Mr. Speaker: We did not vote against clean water. I'll call that a lie.

**The Speaker (Hon. Michael A. Brown):** The member will have to withdraw.

*Interjections.*

**The Speaker:** Will the member for Leeds-Grenville withdraw?

*Interjections.*

**The Speaker:** I will name the member for Leeds-Grenville if he does not withdraw.

**Mr. Runciman:** At your direction, Mr. Speaker, I'll withdraw.

**The Speaker:** The member for Stormont-Dundas-Charlottenburgh.

**Mr. Brownell:** Okay, I shall continue.

At least this explains why John Tory didn't register his vote in the House. He obviously feels being a leader means not offending any group nor committing to any policy that benefits the whole.

The truly baffling part of this article came in the form of a comment from the member for Oak Ridges, wherein he claims that if landowners formed their own party and put forward their own members, they would "split the anti-government vote." This confusing gaffe has all the hallmarks of a party blowing in the wind. There is no real leadership on that side of the House.

I would suggest the members of the official opposition take a page out of our book and try to work with all Ontarians to implement sound policy, instead of spouting hollow words they think their base might want to hear. Leadership means taking a stand on important issues. When will the member from Dufferin-Peel-Wellington-Grey realize this?

**The Speaker:** Members' statements.

**Mr. Brad Duguid (Scarborough Centre):** It was revealed this weekend that on October 5, two MPPs and two of Tory's senior staff held an election-planning meeting with Ontario Landowners. We think the Leader of the Opposition should come clean. The Landowners group has a law-breaking, inflammatory, hard right wing, Libertarian philosophy. I'm sure the good people in Don Valley West would want to know what values the Leader of the Opposition is trading for a few extremist rural votes.

Now we know why the Tory caucus voted against the Clean Water Act. There are deals being made in the backrooms with the Ontario Landowners Association and Mr. Tory's team. The group is against clean water, safe food and supply management. Randy Hillier thinks himself threatening the life of a cabinet minister is a joke.

I think the question people need to be asking themselves is, what else is the Leader of the Opposition cooking up behind closed doors? Are the Tories so desperate that they're willing to make an alliance with lawbreakers who think violence is a means to an end? They threaten violence because they don't like the law of the land, and they attack police officers on duty on the front line. They're against multiculturalism, public health and equal rights for all.

We believe there's no place in Ontario for spreading hate or endorsing people who do. We stand up for all Ontarians. We've passed the Clean Water Act. We've invested in our cities and our rural infrastructure. We've provided support to farm families in crisis.

My parents taught me to be careful who you hang out with, because you'll be judged by the company you keep. That's advice that John Tory should be taking right now.

*Interjections.*

**The Speaker:** The member for Kitchener-Waterloo, I need you to withdraw.



**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** I'll withdraw.

### VISITORS

**Mr. Mario Sergio (York West):** On a point of order, Mr. Speaker: I would like to bring to the attention of the House that today in the easy lobby we have a delegation from Siracusa, Italy, led by professore Vittorio Anastasi. I would like to welcome them here today.

**Ms. Cheri DiNovo (Parkdale–High Park):** On a point of order, Mr. Speaker: I wanted to introduce to the House a wonderful public school grade 5 class who are here from Queen Victoria in Parkdale–High Park.

### WEARING OF RIBBONS

**Mr. John O'Toole (Durham):** On a point of order, Mr. Speaker: I would seek unanimous consent of the House to wear the white ribbon representing concerned citizens against child pornography.

**The Speaker (Hon. Michael A. Brown):** Mr. O'Toole has asked for unanimous consent to wear a white ribbon representing concerned citizens against child pornography. Agreed? Agreed.

### REPORT, OFFICE OF THE INTEGRITY COMMISSIONER

**The Speaker (Hon. Michael A. Brown):** I beg to inform the House that I have today laid upon the table the report of the Integrity Commissioner, the Honourable Coulter A. Osborne, responding to the request of the member for York West concerning Mr. Robert Runciman, MPP, member for Leeds–Grenville.

### VISITORS

**Ms. Andrea Horwath (Hamilton East):** On a point of order, Mr. Speaker: I just rise to recognize Ontario's early childhood educators and child care workers on today, which is the annual appreciation day in their honour, and to hope that we can get to a point where they are able to maintain their jobs in a very dignified fashion.

### MOTIONS

### COMMITTEE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that the standing committee on social policy be authorized to meet at the call of the Chair on Monday, October 30, and Tuesday, October 31, 2006, for the purpose of considering Bill 50, An Act respecting the regulation of the profession of traditional Chinese medi-

cine, and making complementary amendments to certain Acts.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

### HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I move that, pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Wednesday, October 25, 2006, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1352 to 1357.*

**The Speaker:** All those in favour will please rise one at a time and be recognized by the Clerk.

### Ayes

Arnott, Ted	Duguid, Brad	Patten, Richard
Balkissoon, Bas	Duncan, Dwight	Peters, Steve
Barrett, Toby	Fonseca, Peter	Peterson, Tim
Bartolucci, Rick	Gerretsen, John	Phillips, Gerry
Bentley, Christopher	Jeffrey, Linda	Ramal, Khalil
Bountrogianni, Marie	Klees, Frank	Rinaldi, Lou
Bradley, James J.	Kwinter, Monte	Runciman, Robert W.
Broten, Laurel C.	Levac, Dave	Sergio, Mario
Brownell, Jim	Mathews, Deborah	Smith, Monique
Bryant, Michael	McMeekin, Ted	Smitherman, George
Cansfield, Donna H.	McNeely, Phil	Sorbara, Gregory S.
Caplan, David	Meilleur, Madeleine	Takhar, Harinder S.
Chambers, Mary Anne V.	Miller, Norm	Van Bommel, Maria
Colle, Mike	Milloy, John	Watson, Jim
Crozier, Bruce	Mitchell, Carol	Wilkinson, John
Delaney, Bob	Munro, Julia	Wilson, Jim
Di Cocco, Caroline	O'Toole, John	Witmer, Elizabeth
Dombrowsky, Leona	Oraziotti, David	Wynne, Kathleen O.

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

### Nays

Bisson, Gilles	Kormos, Peter	Prue, Michael
DiNovo, Cheri	Marchese, Rosario	Tabuns, Peter
Horwath, Andrea	Martel, Shelley	

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 54; the nays are 8.

**The Speaker:** I declare the motion carried.

### ORAL QUESTIONS

### ONTARIO LOTTERY AND GAMING CORP.

**Mr. Robert W. Runciman (Leeds–Grenville):** My question is for the Minister of Public Infrastructure

Renewal. Minister, today there are disturbing reports that over the last several years more than 200 lottery insiders have won prizes in excess of \$50,000. Jeffrey Rosenthal, a U of T professor, says that it's "extremely unlikely" these insiders would hit the jackpot that many times. The story, which is going to air on *The Fifth Estate* tonight, suggests that two thirds of these insider wins may have involved deception. Minister, can you tell us when you became aware of this issue and whether or not you plan to investigate the matter to ensure that Ontarians are not being defrauded of their rightful winnings?

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** There has been an allegation made, and I want all members to know that I take that very, very seriously. Ontario Lottery and Gaming is certainly committed to operating a business in a responsible and ethical manner and has some of the most stringent inside-win provisions of any organization of its kind in North America. Regrettably, *The Fifth Estate* has chosen not to share their data and their analysis with us so that we can have an opportunity to verify it. But, notwithstanding that, today I have written to the chair of the Ontario Lottery and Gaming Corp. and asked for a review and analysis and for that report to be delivered to me as quickly as possible.

**Mr. Runciman:** I appreciate the response. We are aware of the steps the OLGC says it takes to make the system secure. We've read their press releases too. The reports today suggest that those steps simply aren't enough. There's been lots of talk around this place in recent weeks about trust and the OLGC. Duncan Brown, the CEO, justified spending \$6 million to drop the "C" from the logo, and he said, "The rebranding initiative was around a need to fill an information gap, a risk to our gaming operation's integrity and reputation."

Minister, nothing could more damage the reputation of the OLGC than allegations of the kind made in the media today, and yet all the energies were focused on cosmetic changes rather than dealing with the operations. Given these allegations, do you believe it was more important to spend \$6 million to remove a "C" than to invest in security measures?

**Hon. Mr. Caplan:** In fact, Ontario Lottery and Gaming has significant internal controls, but also measures to protect lottery and gaming players, like freezing the lottery terminals when major wins are claimed and customer-facing screens that verify results directly to the customers. In fact, we have initiated self-ticket-checkers so that players themselves can check. But it didn't just stop there. One of the leading forensic audit firms in Canada earlier this year reviewed OLGC practices, and I would quote:

"In addition to our joint external financial statement audit conducted by KPMG and Grant Thornton, OLG takes the additional step of retaining Ernst and Young to audit the internal controls related specifically to our lottery and gaming system. The audit procedures performed by Ernst and Young are extensive and include a review of our insider-win policy. Ernst and Young has

found that internal control processes related to our lottery system are appropriate. Claimants subject to the insider-win policy are subject to additional scrutiny and interviews by OLG's prize office and, in addition, a review is conducted by OLG's internal audit department before payment is approved."

**Mr. Runciman:** We know the minister is spouting lines provided to him by Mr. Brown. I wonder if the minister asked Mr. Brown—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. Member for Leeds—Grenville.

**Mr. Runciman:** I wonder if the minister asked Mr. Brown why the OLGC spent \$425,000 to fight Bob Edmonds, a victim of fraud. Did he ask Mr. Brown why the OLGC never apologized to Mr. Edmonds? Did he ask how long they've known about these problems?

The reality is that this minister has no idea how effective the security measures are. He's taking the word of someone who's protecting his own backside, someone who recently rationalized a \$6-million expenditure on cosmetics rather than security.

Minister, if these allegations are proven true, whose head will roll, yours or Mr. Brown's?

**Hon. Mr. Caplan:** In regard to Mr. Edmonds, I certainly want to convey my regret at any hardship the claimant endured in resolving the matter with OLG, and rest assured that I take this incident very seriously. But the member does not need to look very far. In fact, OLGC began its legal ordeal with Mr. Edmonds under the direction of his seatmate, the member from Erie—Lincoln, who was the minister responsible for OLG at the time, in 2001-02, when the court case with Mr. Edmonds began. So I say to the member from Leeds—Grenville, if he has some criticism of the way that the matter was initiated and handled, all he need do is turn to the member who sits beside him in this Legislature and level that particular charge.

On the matter that is currently before the courts, I regret that I simply cannot provide any additional answers, but those are the—

**The Speaker:** Thank you. New question?

## ONTARIO ECONOMY

**Mr. Tim Hudak (Erie—Lincoln):** I have a question to the Minister of Finance. I'll call your attention to a quote in the *Sudbury Star* from last week:

"Ontario's manufacturing-based economy, reeling from widespread layoffs in the forestry and industrial sectors, has been sharply downgraded to rank last in economic growth among the provinces, according to an economic outlook by Royal Bank...."

Minister, your high tax and high hydro rate policies are chasing jobs from the province of Ontario. Some 100,000 well-paying manufacturing jobs have fled the province since 2005. The forestry sector is in crisis. We are the only province in this entire country of Canada to see a growth in the number of unemployed people in our



province. The typical working family in Dalton McGuinty's Ontario now pays some \$2,000 more per year in higher taxes, higher user fees and higher hydro. Will the minister admit that he's finally seen the light, and that in tomorrow's economic statement, he'll begin to lower the tax burden, starting with his so-called health tax?

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I'm glad that my friend is going to be here tomorrow to hear the fall economic update. I simply want to say to him today, by way of preface, that the Ontario economy continues to perform well, that we continue to create jobs. I should point out to him—I know he would want to correct the record if he were aware of this—that even in respect of hydro rates, industrial hydro rates in Ontario today are now as low as or lower than they were in 2002. This provides an added benefit for our manufacturers, all of whom are dealing with very strong competition from all over the world.

**Mr. Hudak:** I'm sure that working families will be shocked to hear the minister say that hydro rates have come down in the province of Ontario; in fact, quite the contrary.

The minister will recall—I'm sure he helped out with it—the Ontario Liberal financial plan that Dalton McGuinty said would help finance all of his campaign promises. When the minister reviews his own public accounts for 2005-06, he'll see that he has clawed in some \$5 billion more in revenue than Dalton McGuinty said he needed to keep all of his campaign promises, and Lord knows all those campaign promises are far from being kept; in fact, the majority probably broken. That's some \$2.7 billion more in revenue even without the so-called health tax.

Minister, please tell me there's a bone of sympathy in your body for hard-working families and seniors in the province of Ontario, and that you'll finally start cutting taxes in your economic statement tomorrow.

**Hon. Mr. Sorbara:** I'm not sure if my friend from Erie-Lincoln is as desperate as his leader is in the comments that his leader made earlier today at the economic summit in Niagara Falls.

I will say to him that those additional revenues that have come into the province have gone towards a historic new campaign in building a stronger health care system in hospitals in every corner of the province. Those new revenues have gone into the transformation of primary care, so that hundreds and thousands of Ontarians now have access to a family doctor. They've gone into the renewal of a school system that, not to put too fine a point on it, was crumbling when we took government three years ago. Those additional revenues have gone into a historic new program in infrastructure upon which a much stronger Ontario economy is being built, and I know that my friend would want to acknowledge all the benefits of those expenditures.

1410

**Mr. Hudak:** As I mentioned, when you look at the minister's own public accounts numbers—and the num-

bers are in; the proof is in the numbers—health care spending from 2003-04 to 2005-06 has gone up 12%. When you look at other spending, you take out health and education and debt interest, other program spending is up some 21%. Your priority in your spending has been in other areas than health care and education. I think the minister knows that.

They say it's a health tax. It would be just as accurate to say it's a trillion-redesign tax. It would be just as accurate to say it's a juicy-advertising-contracts-for-Liberal-friends tax. It's just as accurate to say it's a dropping-the-“C”-in-the-OLGC tax, or you could just call it your own version of the GST, the Greg Sorbara tax.

Let's face it, Minister, this tax has nothing to do with health care but runaway spending of the Dalton McGuinty government. It's high time—starting tomorrow. You've seen the light. Start reducing taxes starting tomorrow.

**Hon. Mr. Sorbara:** At least my friend from Erie-Lincoln is entertaining, if not accurate, and I think for that, at least he should—

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** Mildly entertaining.

**Hon. Mr. Sorbara:** “Mildly entertaining,” says the Deputy Premier, and I guess I would have to agree with that.

You know, I have done some examination of what the John Tory Conservative Party is proposing for Ontarians. They are proposing to close hospitals as they extract billions of dollars in health care, they are proposing to take your tax dollars and invest them in private schools, and they are pretending that they are going to increase expenditures, lower taxes and balance the budget. I've got a bridge to sell to my friend from Erie-Lincoln and his leader, Mr. Tory.

**The Speaker (Hon. Michael A. Brown):** New question.

**Mr. Howard Hampton (Kenora-Rainy River):** My question is for the Deputy Premier. Today, while the Premier was spending his time with the business elite in Niagara-on-the-Lake, I met with working women and men who have lost their manufacturing jobs under the McGuinty government's watch. Working families, those men and women who work hard every day, want to know this: How is it that Ontario, once a manufacturing powerhouse, has lost 118,000 well-paying, community-sustaining manufacturing jobs under the McGuinty government?

**Hon. Mr. Smitherman:** To the Minister of Finance.

**Hon. Mr. Sorbara:** I'm going to resist the urge to reflect back on 1990 to 1995, when the province lost so many thousands and thousands of manufacturing jobs. But I will say to my friend that if he would just look at the statistics, he would see that this province, over the course of the past three years, has created some 250,000 new, high-paying jobs. Most of those, I tell my friend the leader of the third party, are full-time jobs and very well-paying jobs.



I want to say to him, acknowledge without equivocation that manufacturers right across the continent are under pressure. They're under pressure in Canada and Ontario because of the high value of the Canadian dollar, because of competition from emerging markets. I want to tell my friend the leader of the third party that, in Ontario, we continue to be able to sustain these pressures and see a growing, strengthening economy.

**Mr. Hampton:** This is incredible. We're losing manufacturing jobs at rates of a couple of thousand a week in this province, and the Minister of Finance wants to hark back and blame the wannabe leader of the Liberal Party, who happened to be around in 1990.

This is about today, Minister. This is about thousands of working women and men losing their jobs today. Some 118,000 manufacturing jobs, good jobs, community-sustaining jobs, have gone under the McGuinty government's watch. What people are asking is, does the McGuinty government have any plan at all, any plan to stop the bleeding of manufacturing jobs, any plan at all to restore manufacturing jobs in this province? Do you have any plan at all?

**Hon. Mr. Sorbara:** I would simply direct my friend's attention to the automobile strategy of this government. With the benefit of \$500 million in taxpayers' funds, we have been able to generate some \$7 billion in new investment. That means thousands of jobs in the automotive sector, both jobs that have been preserved and new jobs that are being created in new plants with Toyota, Honda and others.

I would point out as well to him the fact that every economist worth his or her salt says that the best way to strengthen an economy is to invest in post-secondary education—our government has invested some \$6.2 billion—to invest in research and development, and application of that research and development in new, high-paying jobs. That's exactly what we're doing.

**Mr. Hampton:** The minister says the McGuinty government has a plan. What we've heard is announcements from the McGuinty government that there might be some new auto sector jobs in 2009, there might be some new jobs in 2010. The reality is, jobs are being lost now, today: NRI tire recycling plants in Toronto, 425 workers, as they exit the auto parts sector. Tomorrow I expect we're going to get some more announcements out of the pulp and paper sector, as companies are headed into further trouble.

Here's your record: You voted in favour of a resolution calling for a comprehensive job strategy and then you did nothing. You tell workers in communities like Thunder Bay, Oshawa, Windsor, St. Thomas, St. Catharines, Sarnia, Chatham that what's happening is just a little bit of contraction. Minister, 118,000 high-paying manufacturing jobs is not a little bit of contraction.

I want to know this: When is the McGuinty government going to come up with a plan to address the job loss now? Stop talking about 2010—

**The Speaker:** The question's been asked. Minister.

**Hon. Mr. Sorbara:** I don't know where my friend the leader of the third party has been over the past three

years. If he looks at the tax credit investments that we've made in the film industry, urged by your former member from the Danforth riding—and she left, I think, in despair at where her party was going. If you look at the investments we have made in the forest industry—is there pressure in the forestry sector? Absolutely. Will the investments that we've made, including almost \$900 million in support for that industry, save and protect and strengthen that industry? You bet your bottom dollar. That's part of the plan. I can't imagine why the member, who seems to have been here for three years, has missed it entirely.

## HEALTH CARE

**Mr. Howard Hampton (Kenora-Rainy River):** I think we recognize that we'll hear more talk and no action from the McGuinty government on jobs.

To the Deputy Premier: Yesterday you claimed you didn't know about Cleveland Clinic Canada, an American profit-driven private health care corporation that opened up in Toronto. But on September 29, the Toronto Star reported that your assistant, David Spencer, "says his office is aware of Cleveland Clinic Canada." And on March 17 the National Post said about Cleveland Clinic Canada that Jenna Leblanc, a spokeswoman for your ministry, said, "We monitor private clinics very closely."

Deputy Premier, why did you tell reporters you didn't know anything about Cleveland Clinic Canada when clearly you do? And why did you allow this profit-driven private health care corporation from the United States to set up in Ontario in the first place?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** The discussion I had with the news media related to the services being provided at the Cleveland Clinic, and this is clear. The first bill that our government brought in was called the Commitment to the Future of Medicare Act, which the honourable member voted against. The bill has been successful in preventing the Copeman clinics from coming to Ontario and in turning Lifeline back at the borders. It establishes in law very clearly that Ontario will not tolerate a circumstance where people are asked to pay a fee in order to access an insured service. I stand in my place and say to the honourable member that if he has any evidence to the contrary, if he has any evidence that the Cleveland Clinic is operating in such a fashion, charging people a fee to access an insured service, then I ask that he send it along. And I ask him one more time: Why didn't you support the protection involved in the Commitment to the Future of Medicare Act?

1420

**Mr. Hampton:** Because the evidence grows every day that the McGuinty government's protection of medicare act was completely phony. Here is the proof: Yesterday you said Cleveland Clinic Canada was fine by you because, according to you, it doesn't let people with thick wallets "pay their way to the front of the line" for publicly funded health services. But we called the Cleveland



Clinic to find out if you were right about that or if you were just making things up the way you usually do. The clinic told us that for \$900 someone could buy—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order.

The leader of the third party.

**Mr. Hampton:** We called the clinic. They told us that someone with a thick wallet can pay \$900 and buy an MRI from a Toronto hospital and get to the front of the line. They told us, "This can be done within 48 hours so you don't have to wait on the OHIP list." Doesn't this sound like two-tiered health care to you, Minister?

**Hon. Mr. Smitherman:** The only answer that I will offer to the honourable member in exchange for the information which he offers is that in the absence of my own verification of it, I do not take it at the face value that it was presented.

**Mr. Hampton:** Minister, maybe you should do some research. You might find out some helpful information.

The McGuinty government promised to shut down private MRIs. Now it's apparent that someone with a thick wallet can get a private MRI in 48 hours, while other people who don't have thick wallets wait and wait and wait. The Cleveland Clinic also told us that for \$2,500 we could jump the queue and get ourselves an executive physical with all the bells and whistles, including services covered by OHIP like blood tests, ECGs, pap smears and X-rays. Deputy Premier, that really does sound like two-tier health care. It's clear that your government, or at least your officials, have known about it. It's clear that the McGuinty government has allowed it to happen. Now you're hoping to pretend that you don't see any of it, that it's really not happening under your very noses. You promised to end the privatization—

**The Speaker:** The question has been asked.

**Hon. Mr. Smitherman:** The circumstances that the honourable member outlines relate to the possibilities for the purchase of third party insurance related to employment. This circumstance was created by a regulatory change brought in by that member's party while in office.

#### NATIVE LAND DISPUTE

**Mr. Garfield Dunlop (Simcoe North):** My question today is for the Minister of Community Safety and Correctional Services. We are now approaching the 240th day of the crisis at Caledonia. In this fiscal year, we are approaching a full seven months of impact on the OPP budget. It's my understanding that there are always 124 OPP officers at Caledonia on a daily basis. Minister, can you inform this House how much the Caledonia crisis is costing the OPP budget to date? I don't want some phony answer; I'd like the actual cost, if you could. Thank you very much.

**Hon. Monte Kwinter (Minister of Community Safety and Correctional Services):** I thank the member for the question. I just want to say before I respond to the specifics that I really want to commend the OPP for the job that their men and women are doing. They're in a

very difficult situation, and they're performing in an exemplary manner. I want to commend them, as I said; not only them but their command officers and the commissioner.

Having said that, the OPP has a global budget. In that global budget, the commissioner has a responsibility to allocate it as the commissioner sees the requirements demand. I have said, the Premier has said, and we have said from day one, that if there are any extraordinary costs attributed to that, we will certainly address them. You have to understand that it isn't a simple matter of just checking the time clock, because officers are there on an annual basis, and we're looking at the incremental costs. When we have that information, we will—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mr. Dunlop:** Minister, I only asked you a question that a responsible minister of the crown should be able to answer and provide to the citizens of Ontario. How much money is it costing the OPP? I don't think that's a hard question.

Perhaps you can answer this other question. I understand that the Management Board of Cabinet is considering a request from the OPP to establish a permanent 72-officer detachment in Caledonia. Can you explain the details of this and how much that detachment will cost the citizens of Ontario as well?

**Hon. Mr. Kwinter:** The member is really saying things that he has no knowledge of. There has been no request to me for a new detachment at Caledonia. As a result, there was no presentation made to Management Board. You're just dreaming this up. So I can't respond to it because there has not been a request for that at this time.

#### AFFORDABLE HOUSING

**Ms. Cheri DiNovo (Parkdale-High Park):** My question is for the Deputy Premier. The federal-provincial housing agreement requires Ontario to pay its share of funding for affordable housing projects. Families and children are sleeping in shelters and on couches in crammed apartments because you're hoarding the money in the bank pending your squabbles with Ottawa. Across Ontario, there are 122,000 households waiting for affordable housing. When will you stop your jurisdictional squabbles, live up to your responsibility and keep your 2003 promise to build 20,000 units of affordable housing?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** To the Minister of Finance.

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I want to tell my friend that we're right on schedule with the campaign commitments and that affordable housing is getting built.

The second thing to tell her is that we have received funding from the federal government under trusts established in the last federal budget. As is normally done for



accounting purposes, we have accounted for those as additional revenue and have put the funds in the contingency fund anticipating additional expenditures. Those expenditures will be made in due course on housing.

I just want to tell my friend that if she wants to be really helpful on this matter rather than just political, she could simply assist us in our call for the federal government not to try and pretend that the money for housing honours its commitment on the Canada-Ontario agreement, which will cost Ontario—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Ms. DiNovo:** If the government wants to be helpful, they will come through on their promise to build those 20,000 units. They're not anywhere close; 1,635 by your own reckoning have been built. You are sitting on \$400 million to \$1.1 billion, depending on which accountant you believe, while people are going without housing. The wait is five to 10 years, and we are dealing with 67,000 households in Toronto alone. Two people die a week on our streets in this city while this government sits on \$400 million, at the very least.

The question again, for which I did not receive an answer, is, when are they going to build the 20,000 housing units promised?

**Hon. Mr. Sorbara:** I know my friend the Minister of Municipal Affairs and Housing will want to comment on this.

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing):** First of all, as this member well knows, because she asked exactly the same question during estimates, currently we have 6,524 units of affordable rental housing stock in place. We also have in place nearly 5,000 units for housing allowances. We have over 1,000 home ownership units and northern housing units that are already in place and either built, constructed or in the approval process.

1430

The matter with respect to the housing trust has absolutely nothing to do with our commitment to build housing in this province. We're going to build 15,000 new units, and we're going to have a minimum of 5,000 housing allowance units. For the first time in 10 years, this government is taking action on the housing front that is so direly needed.

## WATER QUALITY

**Mr. Ted McMeekin (Ancaster-Dundas-Flamborough-Aldershot):** My question is for the Minister of the Environment. It's been almost a week, and I'm still shaking my head—bewildered, in fact—at the lack of regard for the health and well-being of Ontarians displayed when the NDP and Conservative caucuses voted against the Clean Water Act last week. It's simple: A vote against the Clean Water Act—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. I can wait.

Member for Ancaster-Dundas-Flamborough-Aldershot.

**Mr. McMeekin:** We obviously touched a sensitive nerve over there, Mr. Speaker.

A vote against the Clean Water Act is a vote against clean water. Instead of listening to environmental experts like Dr. Rick Smith, the executive director of Environmental Defence, who stated, "This act is an important step forward in ensuring that the protection of Ontario's source waters is a priority in every watershed," the members of the Conservative caucus chose to stand shoulder to shoulder with Randy Hillier of the Ontario Landowners Association, who argues, "Landowners have been good stewards of the land," adding that it is cities which pollute the water. Then he added, "That's where the danger (is), not my six acres."

The members of the Conservative and NDP caucuses seem confused. Minister, can you shed some light on this around the burden of—

**The Speaker:** The question's been asked.

**Hon. Laurel C. Broten (Minister of the Environment):** I want to thank the member for the question, and for being an incredible advocate for his community and a great champion of the environment, unlike the members opposite. I too am incredibly disappointed that the members opposite have chosen to turn their backs on clean water. They obviously don't want Ontarians to have some of the best-protected drinking water in North America.

To speak specifically to your issues, farmers and rural property owners are among the best stewards of water in the province, and they have done a great deal over the past number of years to ensure that our water is protected and safe. But the Clean Water Act is about preventing contamination, preventing depletion. It is one of the single most important recommendations Justice O'Connor made coming out of the Walkerton inquiry. We will not turn our backs on communities. We will ensure that communities right across the province, rural and urban, have some of the best water, that they will work together as a collective in those communities—

**The Speaker:** Thank you. Supplementary?

**Mr. McMeekin:** I'll drink to that.

Minister, I'm glad to hear you recognize that the Clean Water Act will create a number of new protections for the Great Lakes, since 70% of Ontarians receive their drinking water from the Great Lakes. Perhaps members of the Conservative and NDP caucuses will now begin to focus on what's best for Ontarians, instead of standing shoulder to shoulder with the Ontario Landowners Association, which states in its founding declaration, "Using taxpayers' dollars, our governments support and promote urban cultures of every form and variety. However, when it comes to the independent, peaceful rural culture in Canada, government support is stifling, suffocating and controlling."

Our government knows that the Great Lakes and the channels that feed them are very important. Minister, a vote against the Clean Water Act not only seems to be a vote against clean water, it also seems to be a vote against the Great Lakes—



**The Speaker:** Thank you. The question has been asked.

**Hon. Ms. Broten:** I'm pleased to have a chance to speak about the Great Lakes, because the Great Lakes are important to those of us who live in rural Ontario and to those of us who live in urban Ontario. The Clean Water Act acknowledges for the very first time that the Great Lakes are a source of drinking water for the majority of Ontarians. Again, for the very first time, as a result of significant dollars being provided to communities right across the province—\$120 million in the science and \$7 million in early implementation as a down payment—communities across the Great Lakes are now working together to ensure that the Great Lakes are kept clean and not depleted, and will continue to serve us well for generations to come as a source of clean drinking water. That's what our government has delivered in the form of the Clean Water Act. We only wish that the opposition parties had joined with us to ensure the protection of the Great Lakes.

#### MENTAL HEALTH SERVICES

**Mrs. Elizabeth Witmer (Kitchener–Waterloo):** My question is for the Minister of Children and Youth Services. Yesterday, we heard from the Strong Communities Coalition about the gap in funding for health and social services in the GTA/905. In fact, Dr. Colin Saldanha, a family physician in Mississauga, told us of the failure of the system in the case of a 14-year-old patient in dire need of treatment for drug and alcohol abuse. In Peel there is a frustrating wait of up to six months for services, and yet doctors tell us that, upon presentation, these youth need a plan of care within 24 to 48 hours.

In 2003, your leader promised to help families struggling with mental illness. Minister, what plan of action do you have to address these unacceptable wait times for youth and children?

**Hon. Mary Anne V. Chambers (Minister of Children and Youth Services):** I'm happy to address the question from the member for Kitchener–Waterloo. I'm also quite aware of the fact that there is more to be done to support children and youth mental health. But I also need to acknowledge that that sector is now receiving \$38 million per year more with our government than they received in the past. In fact, the \$25-million increase they received in 2004-05 was the first increase to that sector in 12 years. We are coming from far behind. We have a lot of catching up to do. There's a lot of work being done to support that sector. Certainly, we want to make sure that children and youth have proper access to the services they need.

**Mrs. Witmer:** Mr. Speaker, through you to the Minister: I'm sorry to say that since your leader made that promise to help families with mental illness, the gap has widened. In fact, when I first got the information today, there were not—as I learned at the last moment from Children's Mental Health Ontario, there are more

than 8,300 children on the waiting list for mental health services today. I was appalled to see the increase over the three-year period. Family and Children's Services of Guelph says, "There are an unprecedented number of children and youth who are going untreated. Waiting lists for community-based services and residential treatment are unacceptable." This is from Guelph family services.

Minister, what plan of action do you have to address these unacceptable increasing wait times for children and youth?

**Hon. Mrs. Chambers:** As I've said, the sector is currently receiving \$38 million more per year than it was receiving when we came into government. That's a significant increase. We are working very closely with this sector. With regard to the people who were here at Queen's Park this week, I should say that the regions of Peel, Halton, Durham and York have received an increase of 37.5% since 2003-04. So in those regions we are investing in children's services to the tune of almost \$394 million.

Is there more to be done? Absolutely. But do you know what? Like I said, we are coming from far behind. I wish we could turn the years back, the calendar back, to before these kinds of situations—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

1440

#### WATER QUALITY

**Mr. Gilles Bisson (Timmins–James Bay):** My question is to the Deputy Premier. On the anniversary of the Kashechewan water crisis, the fundamental right—and I repeat the fundamental right—of Ontario's First Nations people to safe, clean drinking water continues to be elusive. After years of boil-water advisories, mismanagement, multiple reports—glaring deficiencies—First Nations communities still face a serious health hazard when it comes to their own drinking water.

My question is simply this: If safe, clean drinking water is a fundamental right, as your Minister of the Environment likes to say, why are we still getting skin infections and disease in those communities as a result of using the drinking water?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** To the minister responsible for aboriginal affairs.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** We're going to continue this debate, I guess, with the third party. As he knows, and as First Nations leadership knows, it's a federal responsibility to ensure that the people of First Nations have clean, safe drinking water. We have just passed the source water protection act, the Clean Water Act, that's going to protect the sources of that water.

The Minister of the Environment and I have been pushing the minister of aboriginal affairs for this last year, and he has responded in that he understands that safe, clean drinking water is a top priority for INAC. I



will be meeting with him on this issue next week in Ottawa.

It is the position of the government that the federal government has to keep its responsibility, and we work closely with First Nations on this. As you know from the letter we received yesterday, we've been asked to intervene on their behalf when it comes to Ottawa's responsibility.

**Mr. Bisson:** These are citizens of the province of Ontario and they have a right to clean drinking water, as your minister stated when she passed the particular legislation you refer to. We, as New Democrats, opposed it because it didn't include all citizens of Ontario.

We still have boil-water advisories in communities like Constance Lake, Moose Deer Point, Kingfisher, and the list goes on. I'm going to say to you again, your indifference in saying that it's a federal responsibility is not going to do anything to fix the problem. Our own government invested close to \$50 million to put water and sewers in the very communities that are in my riding and in the ridings of other members of this Legislature. If we could do it, why can't you be part of the solution instead of just finger pointing at the federal government?

**Hon. Mr. Ramsay:** I'd like to correct the impression that the leader of the third party gave yesterday when he referred to a letter from Nishnawbe Aski Grand Chief Stan Beardy and said that the grand chief had written to the Premier in regard to this particular situation. What the grand chief had written the Premier about was the Clean Water Act, Bill 43.

As the Minister of the Environment wants to remind me, yes, First Nations communities are included, and that's the important part. We are protecting the water sources for all Ontarians under the Clean Water Act. That is part of that. The third party doesn't seem to want to understand that, but all Ontarians' source water is protected under the Clean Water Act.

## RENEWABLE ENERGY

**Mrs. Carol Mitchell (Huron-Bruce):** My question is for the Minister of Energy. This past summer, you announced your very comprehensive 20-year energy directive to help keep the lights on in Ontario for the next generation. This included very aggressive targets for energy conservation as well as usage of renewable energies going forward. The riding of Huron-Bruce is fast becoming well known as a haven for renewable energy sources in the province, and several wind farms have already been established, with a high probability toward a higher amount in the near future. What other renewable projects is this government bringing online in its commitment to cleaner sources of power and cleaner air?

**Hon. Dwight Duncan (Minister of Energy):** I want to thank the member for Huron-Bruce for all the good work she has done to bring renewable energy not only to Ontario but to her constituency. Huron-Bruce has some of the best wind opportunities in the province, with one

wind farm already up and running and four under construction. These projects are the result of the McGuinty government's commitment to renewable energy, something that neither opposition party ever did in their mandate. Since taking office, we have had two successful RFPs that are bringing on over 1,300 megawatts of clean, renewable power: the Kingsbridge wind project in Goderich, which is up and running; the Hamilton digester gas project, which was opened in July of last year; the Leader wind projects in Kincardine; and the Umbata Falls project in Marathon. Not only are these projects delivering cleaner power to over 300,000 homes, they represent a capital investment of \$2.5 million—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary.

**Mrs. Mitchell:** Minister, I do want to say that I'm very proud of this government's commitment to renewable energy and how Huron-Bruce is doing its part to bring renewable energy on stream so that Ontarians can benefit from cleaner sources of energy. Unlike the members of the House opposite, who like to dismiss renewable energy such as wind, I'm very glad to see that we see the value in it and that we understand. Minister, what additional steps is this government taking to ensure that renewable energy sources are sustainable for the immediate and long-term future in small communities across Ontario?

**Hon. Mr. Duncan:** Beyond the RFPs and the Niagara tunnel project, which the Conservative government didn't move on in eight years—eight long, painful years. It's under construction now, sir, and it's going to bring on cleaner and more renewable electricity. We've also done net metering to allow small generators, such as farmers, to produce renewable energy and receive credit for the excess electricity that they produce.

We've introduced the standard offer contract, which will allow hundreds of small, local, renewable energy producers to get into the energy market. Over the next 10 years, this program will help add up to 1,000 megawatts of renewable energy to Ontario's electricity supply—enough to power 250,000 homes. It will help ease the strain on our system, reduce air pollution, promote reliability, protect the environment and create new, high-skilled jobs.

I was in Fort Erie just two months ago to open the first wind farm manufacturing operation in a closed automotive parts manufacturer. Ontario is going from—

**The Speaker:** Thank you. New question.

## TOBACCO SMUGGLING

**Mr. Norman W. Sterling (Lanark-Carleton):** I have a question for the Minister of Health Promotion. Minister, over the past three years your government's increased taxes on tobacco products have raised the price of cigarettes by approximately 20%. If history proves itself, it's reasonable to expect that as taxes increase, smuggling and the sales of illegal cigarettes also increase. During estimates, we found that your ministry has 140



employees, on average receiving over \$80,000 a year, most of them involved with policies. Minister, do you have any studies or statistics on the sale of illegal cigarettes in Ontario?

**Hon. Jim Watson (Minister of Health Promotion):** First of all, I take exception to, once again, the Conservatives attacking the public service in this province. You had eight years of beating up and name-calling and calling into question the integrity of the public service. I stand by the 140 dedicated men and women in the Ministry of Health Promotion and the great work that they are doing in the province of Ontario.

Secondly, when it comes to raising taxes on tobacco, I remind the honourable member that during his time in office, they raised taxes November 29, 1996; February 14, 1998; November 6, 1999; April 5, 2001; November 1, 2001; and June 18, 2002. Maybe the honourable member was absent during those votes, but that took place under his watch.

We made a commitment, as a government, to raise the tax to the national average, base year 2003. We're committed to that. We brought in four increases, not the six that you brought in.

1450

**Mr. Sterling:** My question was whether you had any studies on illegal cigarettes, and you avoided that. I assume you have none.

It's not one of my favourite companies in the world, but Imperial Tobacco released a study saying that illegal cigarette sales make up almost 23.5% of cigarette sales in Ontario. You, Minister, have attacked the credibility on this particular study, but you have no evidence to the contrary.

Let me quote from a news release put out by Physicians for a Smoke-Free Canada:

"Because of the governments' ... failure to monitor the usage of illegal cigarettes, Imperial Tobacco's report is the most extensive survey available...."

"The irony ... is tobacco companies who are providing this information" are the "source of embarrassment and shame to governments."

Minister, does your claim that Ontario's consumption has fallen by 18.7% since 2003 allow for the increasing sales of illegal cigarettes—

**The Speaker (Hon. Michael A. Brown):** The question has been asked.

**Hon. Mr. Watson:** First of all, I am not going to quote a report from the tobacco industry with any credibility. That's like asking Colonel Sanders to give a comment on the survival of chickens in Ontario: It just doesn't make any sense. It wasn't a study, number one; it was a poll, and the member should get that straight. There's a world of difference between a study and a poll.

The second point is, the McGuinty government is proud of our track record with the Smoke-Free Ontario Act. I would ask the honourable member to explain to the people of Ontario why exactly one half of his caucus was either not there for the vote on the Smoke-Free Ontario Act or actually voted against it.

Some 16,000 people will die prematurely as a result of smoking and smoking-related diseases. I stand proudly with this caucus and this government on the side of health care providers, hospitality workers and those people—

**The Speaker:** Thank you. New question.

## ONTARIO LOTTERY AND GAMING CORP.

**Mr. Peter Kormos (Niagara Centre):** A question to the Minister of Public Infrastructure Renewal: I too want to ask you about those over 200 incredibly lucky Ontario lottery retailers who have won prizes worth more than \$50,000 each in the last seven years. The statistics indicate that they beat odds of a trillion trillion trillion trillion to one. That's odds of one quindeccillion to one.

Why wouldn't that phenomenon in and of itself have rung alarm bells in the OLG, rather than waiting for the CBC to blow the whistle?

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** The OLG, in fact, has some of the most stringent security measures in North America.

I didn't have a chance earlier to talk about the May 15, 2006, Ernst and Young report: "The insider win policy provides the utmost integrity of the OLG in the conduct of lottery games by ensuring that there is no perception of an unfair advantage by an OLG lottery winner who is closely affiliated with the Ontario Lottery and Gaming Corp."

What is really a shame here is that this member implies that some of the hardest-working and most honest Ontario residents—namely, our convenience store owners and retail clerks—are somehow perpetrating some kind of fraud on Ontarians. I know, from meeting thousands of these hard-working Ontario families, that nothing could be further from the truth. This member should stand up and apologize.

**Mr. Kormos:** Minister—

*Interjections.*

**The Speaker (Hon. Michael A. Brown):** Order. I need to be able to hear the supplementary.

**Mr. Kormos:** Minister, don't be silly. These are statistics that indicate an exclusive group of but 200 beating odds of one quindeccillion to one—that's a trillion trillion trillion trillion. It is also speculated that up to two thirds of these winnings amongst this handful of retailers could be the result of deception. Rather than auditors on retainer, why don't you announce today that you will ask the Provincial Auditor to audit OLG to ensure that Ontarians are getting the winnings they're entitled to?

**Hon. David Caplan:** In fact, one of the leading forensic audit firms in Canada has been retained and has rendered an opinion about the security measures—internal controls—at OLG.

What I find particularly disturbing is this member's characterization of hard-working Ontario families, convenience store owners, retailers, clerks—small business



people who, day in and day out, contribute to this province. This member is painting them as somehow committing some offence and perpetrating a fraud on Ontarians. The only thing deceptive here is this member's characterization of these hard-working Ontarians, and I stand with these hard-working families as they work, day in and day out, to contribute to the economy and the prosperity of Ontario, and to make Ontario the kind of place where you want to live, work and raise a family.

### HEALTH PROMOTION

**Mr. John Wilkinson (Perth–Middlesex):** My question is for the Minister of Health Promotion. On August 18, I was pleased to welcome you to my riding of Perth–Middlesex, where you attended a performance of the Stratford Festival of Canada and took part in the Club Smart Car Cross-Canada Relay, which raised money for the Bruce Denniston Bone Marrow Society. Minister, your visit brought good news to my riding.

On the following day, August 19, you announced funding for VON Perth Huron through your ministry's communities in action fund. The grant was for \$21,515. As their website states, VON Perth Huron "continues to seek creative and innovative ways to respond to the rapidly changing social and health needs of Canadians in this new millennium." Minister, how does the communities in action fund grant that you announced complement these needs, especially for seniors in North Perth, in the northern part of my riding?

**Hon. Jim Watson (Minister of Health Promotion):** I want to thank the honourable member for Perth–Middlesex for his invitation to his riding. I enjoy going to his riding, because the community there is extremely active and involved when it comes to physical activity. We're particularly pleased with the \$21,000 grant to the VON Perth Huron, which is going to allow it to expand its SMART program. SMART stands for Seniors Maintaining Active Roles Together, which was established to help older adults in Mr. Wilkinson's community who have functional limitations to get active and get moving.

Often, community groups have a very good idea, a dream that they want to set up a program to get seniors or young people physically active, but they don't have the money to do it. The communities in action fund provides the seed money that allows these good projects and these good dreams to become reality in Perth–Middlesex.

**Mr. Wilkinson:** It's clear that our government, the McGuinty government, is on the side of Ontario's seniors, unlike the caucus of the official opposition, which has a plan to cut some \$2.6 billion out of the health care system they rely on each and every day.

Of course, I'm especially pleased that my riding of Perth–Middlesex was able to achieve funding from your ministry for a number of worthy projects this year. Another CIAF recipient, which you announced during your visit on the 19th, was the Galbraith Optimist Camp for Kids. As you know, the Galbraith Optimist Camp for

Kids is situated on 118 acres of beautiful, secluded land, just eight kilometres between Milverton and Listowel in my riding. At this camp, children enjoy a caring camp atmosphere where they will have a good time, learn new skills and make new friends.

On August 19, you announced a grant of \$7,856 for Camp Galbraith. Can you please explain to my constituents how this grant will remove barriers for these kids so they can participate in sport and recreation programs and, subsequently, help them further their activities and—

**The Speaker (Hon. Michael A. Brown):** The question has been asked. Minister?

**Hon. Jim Watson:** It was a wonderful day in Milverton, and I want to thank the Optimist Club, which is responsible for running the camp. The Optimists identify over 700 kids for camp, many of whom are known to and sponsored through the children's aid society. The camp, through this grant from the communities in action fund, is going to be able to provide new sports—badminton, lacrosse, beach volleyball—for these kids, who normally would not have an opportunity to experiment with these kinds of activities. Additionally, fresh produce from local farmers is brought to the camp, and this brings in the other aspect of communities in action: good nutritional education.

This is a \$5-million program, and since the McGuinty government came to office in the last few years, we've been able to provide \$15.8 million to over 585 very worthy organizations, including those where Mr. Wilkinson has been a great advocate for promoting fitness, wellness and nutrition in the good riding of Perth–Middlesex.

1500

### VISITORS

**Mr. Garfield Dunlop (Simcoe North):** On a point of order, Mr. Speaker: I hope that everyone in the House would join me in welcoming one of the classes from my old high school, the Park Street Collegiate Institute in Orillia. Give them a warm welcome, everybody.

### ONTARIO LEGISLATIVE QUILT

**Mr. John Wilkinson (Perth–Middlesex):** On a point of order, Mr. Speaker: I'm sure that you and all the members will be glad to know that last night, at the event for the quilt that we all contributed to, there were some \$2,600 for the quilt that all members participated in creating. I want to thank the members for their help.

### PETITIONS

#### HIGHWAY 26

**Mr. Jim Wilson (Simcoe–Grey):** "To the Legislative Assembly of Ontario:



"Whereas the redevelopment of Highway 26 was approved by MPP Jim Wilson and the previous PC government in 1999; and

"Whereas a number of horrific fatalities and accidents have occurred on the old stretch of Highway 26; and

"Whereas the redevelopment of Highway 26 is critical to economic development and job creation in Simcoe-Grey;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Liberal government stop the delay of the Highway 26 redevelopment and act immediately to ensure that the project is finished on schedule, to improve safety for area residents and provide economic development opportunities and job creation in Simcoe-Grey."

I've signed that petition.

### IMMIGRANTS' SKILLS

**Mr. Bob Delaney (Mississauga West):** I have a petition to the Ontario Legislative Assembly. It's signed by friends and family of Haroon Khan, who gathered on Monday afternoon to celebrate Eid, and I wish everybody an Eid Mubarak. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, managerial and professional talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

It's a great petition. I thank the family of Haroon Khan. I'm pleased to affix my signature and to ask page Adam to carry it for me.

### PROPERTY RIGHTS

**Mr. John O'Toole (Durham):** It's always a pleasure to present a petition on behalf of my constituents in the riding of Durham. It reads as follows:

"To the Legislative Assembly of Ontario"—this is fairly important because it relates to Bill 43:

"Whereas the Canadian Charter of Rights and Freedoms is silent on property rights; and

"Whereas the Alberta Bill of Rights specifically protects the right to the enjoyment of property; and

"Whereas the Quebec Charter of Human Rights and Freedoms provides that 'Every person has a right to the peaceful enjoyment and free disposition of his'—or her—"property, except to the extent provided by law"; and

"Whereas ownership rights should not be abridged or usurped without due process of law; and

"Whereas owners of all lands affected by expropriation should have the right to be included as parties to a required inquiry to consider the merits of the objectives of the expropriating authority; and

"Whereas the decision of an expropriating authority should be subject to judicial review; and

"Whereas, subject to specific limitations of law, the right to peaceful enjoyment of one's land must be recognized by Ontario law;

"We, the undersigned, petition to the Legislative Assembly of Ontario as follows:

"To pass Bill 57, the Land Rights and Responsibilities Act, 2006."

I think our member Toby Barrett has that act and I'm pleased to endorse and support that. I present it to Patrick, one of the pages who will be leaving at the end of next week.

### LONG-TERM CARE

**Ms. Andrea Horwath (Hamilton East):** This is a petition to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas, in June 2003, Dalton McGuinty said Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios; and

"Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

"Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

"Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

"Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum

number of care hours nursing home residents must receive each day;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day."

#### FAIR ACCESS TO PROFESSIONS

**Mr. Shafiq Qaadri (Etobicoke North):** I have a petition addressed to the Legislative Assembly of Ontario in support of Bill 124, skilled immigrants. The petition reads as follows:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

Of course, I am pleased to affix my signature, and send it to you via page Breanna.

#### LANDFILL

**Mr. Norman W. Sterling (Lanark-Carleton):** This is to the Legislative Assembly of Ontario:

"Whereas there is currently a proposal to more than double the size of the Carp landfill in west Ottawa; and

"Whereas this site has been in operation for some 30 years and had been expected to close in 2010; and

"Whereas the surrounding community has grown rapidly for the past 10 years and is continuing to grow; and

"Whereas other options to an expanded landfill have yet to be considered; and

"Whereas the municipal councillors representing this area ... and the MPP, Norm Sterling, all oppose this expansion;

"We, the undersigned, support our local representatives and petition the Legislative Assembly of Ontario to ensure the Minister of the Environment does not approve the expansion of the Carp landfill and instead finds other waste management alternatives."

I've signed that.

#### SOCIAL ASSISTANCE

**Ms. Andrea Horwath (Hamilton East):** This is a petition to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas people relying on assistance from Ontario Works (OW) and Ontario disability support program (ODSP) face increasingly severe hardship because the McGuinty government failed to keep its promise of regular annual increases; and

"Whereas in 2003, McGuinty promised to tie OW and ODSP rates to the real cost of living but broke that promise once elected; and

"Whereas current OW and ODSP recipients often don't have enough money for food after paying the ever-rising cost of living for rent, utilities and transportation costs; and

"Whereas the McGuinty government continues to cut back on necessary supports such as the special diet supplement and the national child tax benefit, taking even more money away from Ontario's most vulnerable;

"Therefore we, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the McGuinty Liberal government raise OW and ODSP rates immediately by 3% annually; and

"That the McGuinty Liberal government close the 21.6% gap left by the Harris Conservatives; and

"That the McGuinty Liberal government immediately end the clawback on the national child tax benefit; and

"That the McGuinty Liberal government immediately reinstate the special diet supplement to Ontarians who have seen the benefit cut."

I agree with this. It's from my community of Hamilton, and I send it to the table by way of page Stephen.

1510

#### IMMIGRANTS' SKILLS

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I have a petition, and I want to thank the clients of the Peel Multicultural Council and residents of western Mississauga for this petition. It reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to



remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

I agree with this petition. I affix my signature to it and give it to page Adam, who's here with me today.

### LONG-TERM CARE

**Mr. Jim Wilson (Simcoe-Grey):** A petition to the Legislative Assembly of Ontario:

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I want to thank the residents' council of Sara Vista nursing home for sending me that petition.

**Ms. Andrea Horwath (Hamilton East):** This petition is to the Legislative Assembly of Ontario from the people of the Kirkland Lake and Timiskaming area.

"Whereas, in June 2003, Dalton McGuinty said Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios; and

"Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

"Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

"Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

"Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day."

I send it to the table by way of Julia, the page.

### FAIR ACCESS TO PROFESSIONS

**Mr. Shafiq Qaadri (Etobicoke North):** I have a petition here addressed to the Legislative Assembly of Ontario in support of skilled immigrants, Bill 124. It reads as follows:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

Of course, Speaker, I support this wholeheartedly and send it to you via page Paul.

### ORDERS OF THE DAY

#### REGULATORY MODERNIZATION ACT, 2006

#### LOI DE 2006 SUR LA MODERNISATION DE LA RÉGLEMENTATION

Mr. Peters moved second reading of the following bill:

Bill 69, An Act to allow for information sharing about regulated organizations to improve efficiency in the administration and enforcement of regulatory legislation and to make consequential amendments to other Acts /  
Projet de loi 69, Loi permettant l'échange de renseignements sur les organismes réglementés afin de rendre plus efficaces l'application et l'exécution de la législation de nature réglementaire et apportant des modifications corrélatives à d'autres lois.

**The Speaker (Hon. Michael A. Brown):** The Minister of Labour.

**Hon. Steve Peters (Minister of Labour):** Thank you very much, Speaker. I will be sharing my time with my parliamentary assistant, the MPP for Thornhill.



I'm honoured to be able to initiate second reading debate on the proposed Regulatory Modernization Act, 2006. I'm proud of this proposed legislation because it would, if passed, improve the way government can help businesses comply with laws in Ontario. I'm proud that this bill, if passed, would reduce burdens that businesses face and support economic growth in the province. Most of all, I'm proud that this bill would provide an even greater level of protection for Ontario's people, workers, environment and natural resources.

This bill is about ministries communicating and co-operating. Improved communication means less duplication. Through shared communications, we're better able to protect the public and help businesses more efficiently and effectively. Right now, there are 13 provincial ministries responsible for ensuring that companies and individuals comply with Ontario's laws—13 ministries. In fact, some businesses are regulated by as many as seven or eight different ministries. We know that businesses in Ontario want to do the right thing: to comply with Ontario's laws. But we also know that they are having trouble keeping up. We know that finding the legislation that regulates your business is not always easy.

So we've met with many stakeholders, businesses, associations and our own staff. We have talked with the municipal and federal governments, and to other Canadian and international jurisdictions. We have listened to business owners here in the province of Ontario. They have told us that they often have to provide duplicate information to multiple ministries, or that they spend hours looking for the right legislation that regulates their business.

We have also spoken to our own staff, particularly those individuals who are out in the field, week after week, inspecting facilities. They want and need the tools to be able to co-operate with their colleagues in other ministries, to ensure organizations are complying with Ontario laws.

It is with our stakeholders' help that we've examined our approaches to regulatory compliance and have identified opportunities to reduce burdens for businesses. The result of all these efforts has been the development of a three-part strategy to modernize and improve how government can more effectively and efficiently help businesses comply. We need to modernize the way we share information and the way we work together across government. Our proposed Regulatory Modernization Act, 2006, is an integral part of that transformation.

1520

The proposed legislation, if passed, has four key components: It would allow for the collection, sharing and use of compliance information across all regulatory ministries; it would give field staff the authority to provide other ministries with a heads-up if they observe something during a visit that may be relevant to the mandate of another ministry; it would authorize ministers to create special teams of field staff to work together; and it would implement a number of deterrents against non-compliance, such as the publishing of convictions and re-

quiring of the courts' consideration of previous relevant convictions upon sentencing for a regulatory conviction.

I'd like to point out that a number of stakeholders we spoke to asked us specifically for these four components. Businesses have asked us to reduce duplication, whether it's in collecting information or coordinating our inspectors. Our own field staff spoke to the importance of being able to work together and share information. Almost every stakeholder told us how important it is for us to target the businesses that seek an unfair competitive advantage by consistently breaking Ontario laws.

It is important, though, to understand that this bill is not strictly about enforcement. This is about enabling the government to develop the tools and initiatives to help businesses better understand their legal requirements. The bill is about ministries communicating and co-operating, because improved communication means less duplication, and it is why we have introduced this legislation as part of our broader strategy that represents a balanced approach to compliance. Our stakeholders recognize what we are trying to do. As a ministry, we would like to see this bill go to committee so we can hear from all of our partners and the opposition parties and listen to their comments.

I'd now like to speak about individual components of our proposed bill.

Number one: information sharing. The act, if passed, would change the way regulatory ministries and their agencies could collect, use and share information obtained through their inspections and other compliance-related activities. Greater co-operation and information sharing among ministries is key.

Currently, the general approach is that ministries work independently of each other. They undertake separate compliance-related activities under their respective statutes. There are obstacles, including legislative restrictions, which limit how information can be shared amongst ministries. I have spoken to many business owners and members of the public who are surprised at the restrictions. They ask, "How can government be efficient if they can't even talk to one another?" This means our own compliance activities often operate in ministry silos. To be effective and provide the service expected by Ontarians, ministries need to be able to communicate and co-operate together. Currently, eight or more ministries may visit a business at separate times over a year. The inspectors would likely ask for similar types of information, such as company name, address and business activities. This situation results in some duplication of information collected by ministries. It also puts an onus on business owners to understand the range of regulatory requirements from each ministry, which may complicate their efforts to co-operate with the law.

The proposed act, if passed, would establish clear authority for information sharing so that ministries could better work together. The proposed legislation, if passed, would not change the type or the amount of information that is currently collected from organizations. Instead, it will help ministries to better coordinate how information



is collected from organizations. Improved communication means less duplication.

We believe this bill, if passed, could enable, for example, the Ministries of Transportation, Environment and Natural Resources to better work together; the Ministry of Community Safety and Correctional Services and the Ministry of Children and Youth Services could collaborate on enforcement projects. We believe it could help save time for the business community. Businesses could spend more time on their actual business.

The bill builds upon this articulated need for improved information sharing and includes other ways to work together to be more efficient, including the heads-up authority. This legislation would provide field staff legal authority to give a heads-up to colleagues in other ministries. The environment minister might inspect a workplace and notice someone cutting metal without goggles. The Ministry of the Environment inspector would be able to give the Ministry of Labour a heads-up about this unsafe situation. The key is that staff could help one another when it comes to making observations that might be relevant to the administration of and compliance with another statute.

I want to emphasize again that this legislation does not allow for fishing expeditions, nor does it intend to result in generic inspectors. I want to repeat that: This legislation does not allow for fishing expeditions, nor does it intend to result in generic inspectors. We recognize and respect the level of expertise and technical capability that our compliance officers bring to the administration and enforcement of legislation. The heads-up authority is to enable the government to work in co-operation. That's why we are providing our inspectors with the tools they need to do their jobs more effectively.

Special teams through multiple authorizations: A large part of our regulatory modernization efforts is to make better, more efficient use of our high-quality existing resources. This legislation would provide ministers with the authority to create teams made up of inspectors from across ministries. For example, health and safety and environment inspectors could work together on special compliance projects, perhaps to do joint inspection checks at facilities in a specific sector that repeatedly disregards both health and safety and environmental laws, or perhaps to find out how they can better work together to make it easier for small business owners such as autobody repair shops to understand, manage and comply with provincial legislation.

We've heard from business owners. They want to deal with inspectors who are knowledgeable and have expertise in the legislation for which they are responsible. Our inspectors are extremely highly trained professionals. Our inspectors are not, and will not be, responsible for enforcing multiple statutes outside of their professional training.

Since we took office, the McGuinty government has hired more than 350 new inspectors across government. We made a commitment to invest in the public service in this province. We made a commitment to invest in the

health and safety of Ontarians. We made a commitment to invest in protecting the environment and natural resources in this province. I'm proud that we've been able to move forward with 350 new inspectors to help better protect Ontario's citizens.

We recognize and value the important job our inspectors perform to ensure the safety of all Ontarians. We are providing inspectors with the tools they need to do their jobs more effectively. The ability to work more co-operatively and efficiently is, in essence, what this legislation is all about. It's also about answering concerns from compliant businesses who have asked what we, as government, are going to do to target enforcement efforts on companies that repeatedly and seriously break Ontario laws.

The bill proposes two new tools: publication of compliance information and sentencing considerations. The bill provides the ability to publish compliance- and conviction-related information under designated statutes. By identifying companies that break Ontario laws, we believe that this act, if passed, would act as a deterrent for repeat offenders and help keep the public safe. Companies value their reputation within communities. Greater transparency in publishing information about convictions can be a motivating factor in companies' achieving compliance with Ontario's laws. This leads me to the issue of sentencing considerations.

Where a company repeatedly disregards our health and safety laws, this act would, if passed, allow a prosecutor to ask the court to consider previous convictions under any act when sentencing an offender convicted of an offence. By authorizing the prosecutor to ask the courts to consider a defendant's previous convictions, we hope that sentences imposed on serious repeat violators will reflect their repeated contraventions of Ontario's laws. In other words, the greater the number of convictions, the more severe the penalty or higher the fine.

All these components of the proposed legislation are just part of our broader modernization agenda. The Regulatory Modernization Act, 2006, is a fundamental piece of our larger modernization strategy. The goal of our overall modernization strategy is to improve how government works together: how we can work together to better protect the public and to help businesses more efficiently and effectively.

#### 1530

For example, we have implemented a small business pilot project to provide easy-to-understand tool kits so that businesses can improve the way they comply with Ontario laws. Our pilot project is with the autobody repair sector. This sector faces a number of challenges, including the number of laws and bylaws across many ministries and other levels of government that they have to comply with; difficulty in finding the time to access information on the regulatory requirements applicable to the business; and the duplicate information they have to submit to multiple ministries. We know from inspections by the Ministries of Labour, Environment and Finance that this sector needs help in achieving higher levels of compliance.



After significant consultation with the autobody repair sector, we launched a one-stop shop for autobody owners this summer, the Auto Body Repair Compliance Information Centre, or CIC. The CIC is an online compliance centre that provides important information that autobody owners need to meet their compliance requirements. The CIC provides single-point access to provincial requirements for their sector as well as required forms and key government contacts. This site also provides popular links to many other relevant external websites and general workplace topics and facts. An autobody repair shop owner can now go to one website and see what he or she needs to comply with operating a business in Ontario. Let me tell you, this centre has been a tremendous success.

I heard some heckling earlier about who is interested in this. The Sarnia-Lambton County Body Shop Association has said of this site, "Having one place to go for compliance questions will save a lot of time for shop owners. It's a big step forward to be able to quickly access the information we need to run compliant businesses."

This site has received more than 75,000 hits since it was announced in June. That means people are not just passing through this site; they are staying to view and to see what government has to offer. We included a survey on the website for shop owners. So far, 44 of 45 survey responses have been extremely positive. One facility owner has said, "A one-stop shop of everything we need to know. I never thought I'd see the day! It's a great beginning from what I can see so far."

Another stated, "This site looks good. It seems to be very user-friendly as I've found all information topics within ... five clicks."

We are also working on developing strategies that would publicly recognize companies with exceptional records of compliance, companies that perform above and beyond compliance. By recognizing excellence, we hope to encourage other organizations to model these leaders and take action to achieve higher levels of compliance. In turn, with more companies taking responsibility and going beyond compliance, we can use our enforcement efforts to focus on those organizations that repeatedly and seriously violate Ontario laws. We are responding to what businesses have told us: It is important for us to target the businesses that seek an unfair competitive advantage by consistently breaking Ontario laws. This might mean doing targeted inspection checks of that small proportion of the regulated community that commits repeat, serious violations of Ontario laws, making sure these organizations are appropriately prosecuted and their prior convictions taken into consideration by the courts.

I would now like to conclude with a set of closing thoughts. To summarize, we believe the proposed Regulatory Modernization Act, 2006, is a strong and balanced bill. It is vital to our broader efforts to modernize Ontario's regulatory activities so that there is more co-operation between ministries and agencies to help businesses meet their compliance requirements. It will place

fewer unnecessary burdens on companies, but most importantly, it will provide better protection of the public, the environment and our natural resources.

We are confident that Ontario's business community will appreciate the efforts of our modernization agenda as we move forward, and we believe that, if passed, the citizens of Ontario will receive better protection as a result of these new initiatives. We have sought, and we will continue to seek, the views of stakeholders as we move forward in order to achieve positive, progressive changes. Our approach is an approach that's good for business, it's good for government, and most importantly, it's good for the people of Ontario.

In conclusion, I'd just like to say thank you to Mr. John Stager and a number of other staff within the Ministry of Labour for their hard work and dedication in bringing this bill to where it is today. I'd now like to ask my colleague my parliamentary assistant from Thornhill to continue the debate.

**Mr. Mario G. Racco (Thornhill):** I would like to support my colleague the Honourable Steve Peters, the Minister of Labour, in his introduction of the proposed Regulatory Modernization Act, 2006, for second reading debate. This proposed legislation is a perfect example of how the McGuinty government is improving the way government works. This proposed legislation is also an excellent example of how the McGuinty government is on the side of small businesses and entrepreneurs.

We have met with and listened to dozens of small business owners and associations in Ontario. They have told us that for them to grow and prosper, we need to provide them with better tools to help them comply with Ontario's laws. As my colleague Minister Peters has said, there are 13 provincial ministries responsible for regulatory compliance activities. Some businesses are regulated by as many as eight different ministries. For example, autobody repair shops are regulated by approximately 17 provincial acts, and this is under eight different ministries.

These small business owners don't necessarily have issues with regulation. They know regulation is absolutely important and necessary to ensure safe operations; for example, to ensure that the health and safety of their staff and the public is protected. But these businesses want us to know and understand the challenges that they face. They have told us they provide some of the same types of information over and over again to various government officials. Some autobody repair shop owners may be required to complete around 70 different forms that pertain to their business. They have told us that they have difficulties in finding the right information on legislation that affects their businesses, and they have told us that they are having trouble keeping up. They want to follow the rules, and they want to understand their regulatory obligations.

That is why we have begun an extensive modernization process designed to help small businesses in their efforts to comply with our laws. That is why, in addition to Bill 69, our government has introduced a new ap-



proach to helping small businesses meet their regulatory requirements. As Minister Peters pointed out, this summer we launched an easy to understand online tool kit for the autobody repair sector. The Autobody Repair Compliance Information Centre helps autobody repair shops find information from across ministries that they need to be in compliance. We have received rave reviews from the autobody industry as a result of our efforts. One review said: "Having one place to go for compliance questions will save a lot of time for shop owners. It's a big step forward to be able to quickly access the information we need to run compliant businesses."

I know there are plans to continue to improve and expand the pilot project. Let me emphasize that the proposed Regulatory Modernization Act is a critical part of continuing and building upon the success of this project. The act would, if passed, enable cross-ministry collaboration in this project. We want to improve upon and expand the pilot project because the McGuinty government is on the side of small businesses and entrepreneurs, and we are committed to supporting them whenever possible.

1540

This bill is, among other things, about more co-operation among ministries and agencies in order to help businesses meet their compliance requirements. It is about easing burdens placed on companies and reducing duplication of ministries' compliance activities. We are removing challenges to doing business. This can only help contribute to a successful and vibrant economy.

The bottom line is, this bill makes sense. It makes sense for Ontario's businesses, it makes sense for Ontario regulatory ministries and it makes sense for the Ontario public and Ontario's taxpayers.

Speaking, however, of regulatory ministries and the public, I want to thank the employees of the Ontario public service, who serve Ontarians each and every day. Without our staff, Bill 69 and, indeed, all of our innovative projects would not be possible. It was our inspectors, our field staff, our experts on the ground, working with this organization every day, who helped us to find areas of improvement. They give us suggestions as to how ministries could share information and better work together.

If we truly want to move forward to reduce burdens on businesses and increase opportunities for ministries to work together, we need this bill. We want to create a government that is easy to access and works in modern ways, and we want our businesses to be able to know and understand their regulatory obligations. We want to provide benefits that are good for business, benefits that are also good for working people and, above all, benefits that are good for everyone in Ontario: the taxpayers of Ontario, the people that pay your salary and mine.

The McGuinty government's modernization initiatives will build a strong and prosperous economy, protect the public interest and provide Ontarians with the best quality of life, second to none. It is because of this that I ask all members to unanimously support the second

reading of the proposed Regulatory Modernization Act, 2006.

This is a bill that is going to make our system more efficient. It's a bill that will make the business community in our province happier. It's a bill that will allow the people who run their own business to concentrate their efforts in making their business even more efficient than it is. It is a win for all. Because of that, I trust that the opposition parties will see the light and will, in fact, support this bill today as soon as possible so that we can move into other legislation, other bills but, most importantly, so that we will be able to do what small businesses in Ontario have been telling us for a while, and that is that they are wasting too much time because of prior political administrations coming up with regulations, new forms, new things for them to do. Those individuals prefer to spend all their energy in making more business, which means that they will make more revenue, which means they will be paying more taxes to Ontario and to all the other public administrations. So it's a win-win, as I said.

Therefore, I trust the good judgment of all of us in this House that we move on quickly and we also send a good signal to our employees, people who have advised us on how to make things better. These people are waiting to see how these honourable members in this honourable House trust their opinions and how we respect their direction in areas that we've asked them to provide us an opinion. Therefore, I would say again, before I sit: Let's send a strong message of trust and confidence in our employees, in the people who are serving us with this information and, most importantly, the people of Ontario who watch us in this honourable House, quite often, spending time talking about issues which, quite frankly, sometimes are not necessarily related to the bill in front of us.

Second reading will allow us to go to the community to open up discussion with people who are interested in speaking on this bill. We are going to have meetings in the community—certainly in Toronto and wherever Minister Peters feels it's necessary for us to go. I think that's where opportunities will be available to get into more specifics on this bill.

But the bill, as it is, deserves strong support from all three parties today or as soon as possible, so that, together, we can send a strong message to the taxpayers of Ontario that we want to make the business community in this province better for them. The small ones, in particular, want to concentrate their energy on doing their business, what they do best and where they can provide services for Ontarians in addition to making their business more profitable. As I said earlier, the moment business does better economically, all of Ontario will do better. We share in the benefits of getting higher taxes because they are going to do better on the revenue side.

Therefore, I thank all the members in this House for listening and trust that they will support this bill.

**The Acting Speaker (Mr. Michael Prue):** Questions and comments?



**Mr. John O'Toole (Durham):** I'm looking forward to our critic Mr. Martiniuk, who has practised law in this area, I believe, and so he'll be quite insightful and very technical.

But in a general sense, I'd say at first blush that this bill is long overdue. It's probably something that we had on the books that the ministry people have brought to Minister Peters's attention, and they're finally just getting around to doing it, because it's streamlining and efficiency.

I want to put on the record—it's important—that they're giving us the impression here that they've done broad consultations with the public sector. I want to see a letter from Leah Casselman on this. I'm not sure that she'll be sending that. If she can send it to me personally, I'll read it in the Legislature on her behalf. That's one of the things, first of all.

Now, there are other disclosure issues. Under the Freedom of Information and Protection of Privacy Act, there's important consent required for a person's information to be collected, used and/or disclosed. These are important and somewhat technical things, and when you do investigations on companies, until those things are substantiated and proven in a dispute mechanism, court or wherever, there have to be some rules of evidence in law that come to bear here on this. I think that's important, too, in the debate, and I'm waiting for our member from Cambridge, Mr. Martiniuk, who has practised law for years technically and understands the technical things that I'm relating here.

In a general sense, I'd say this is administrative. I'd like to see something from Leah Casselman and the Ontario public sector, because this affects their jobs and those contract relationships that they have. I get the impression here that they've already done that, and I can only assume that they're being forthright. They've made a lot of promises over the years that they haven't kept, so you've always got to keep your eye on that. The Liberals often promise one thing and do something else. So we're going to be listening closely to the debate here.

**Ms. Shelley Martel (Nickel Belt):** In response to the comments that were made by the government in the leadoff speech, let me say that, in principle, we would not want to see roadblocks in place, with inspectors being unable to report from one ministry to another about digressions or problems that they have seen in a workplace when they have been going in, for example, as a Ministry of Transportation inspector and saw something on the environmental side that gave them some grave concerns. So, in principle, we don't have a problem with making sure that there are not arbitrary restrictions in place that would not allow for an exchange of information, so that that Ministry of the Environment inspector can then go in and do his or her job.

Flowing from that, what we don't want to see, however, are some of the following consequences: Number one, that we end up with a sort of generic inspector, and we lose some of the incredible skills and talents and expertise that we now have among the various ministries

with respect to their inspectors. People who go down into mines in Sudbury for the Ministry of Northern Development and Mines have some specific and particular expertise that I would not want to see lost because this bill ends up resulting in a position that is a more generic inspector, rather than one with really specific skills and understanding of what to look for in very specific environments.

1550

On the flip side of that, I also don't want to see, flowing from this, super-inspectors multi-tasking in an environment looking for a number of things: environmental, hydraulics—you name it—so that we're expecting them to do much more than they have ever been required to do and, frankly, much more than they are skilled to do. That, on the flip side, would cause me some real concerns about whether or not they can do a proper inspection.

We want to make sure that the people who do inspections, who work for the public service, who work on the public's behalf, continue to do that in a way that is safe and that ensures the public is best represented and that their concerns are dealt with.

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I want to start by congratulating the minister and the parliamentary assistant on bringing forward this legislation, Bill 69.

Basically, even though it has a long title, what we're looking at doing is regulating our organizations by information sharing. It sounds kind of scary, but a simple example that can be given is: If a labour inspector went to a particular location to look at some labour issues that were going on in a particular business, that inspector may have to call someone from the health department because there are going to be health issues involved as well. If someone is cutting metal without using goggles, that could be both a labour infraction and a health infraction. So you may have to call both ministries involved in that.

In my riding, for example, we have what is called the quarry lands, a piece of land located in the Clonmore and Gerrard area. It's basically a Ministry of the Environment issue, but some of that information may need to be shared with the Ministry of Health, because people have come to me and said, "Mr. Berardinetti, there's a problem with what's coming out of that site"—it was a former landfill site.

I've been working quite a bit with the Ministry of Health on this issue, and have spoken to the minister directly as well as with the local councillor for that area, Brian Ashton. Part of the problem is that the Ministry of the Environment is involved, and the Ministry of Health could be involved, but they can't really share that information right now. It's more difficult for them to do that or to give a heads-up to the Ministry of Health, and perhaps to another ministry that could look at this.

This bill brings that together, provides for congruency. I think that's quite important, so it's a step forward. There are safeguards in here—unfortunately I don't have the time to talk about them—to prevent that information from being leaked or brought too much into the public



sector, but used only among the ministries. Once again, I congratulate the ministry.

**The Acting Speaker:** Questions and comments?

**Mr. Gerry Martiniuk (Cambridge):** I get the privilege of doing two minutes, then I'll turn around and do a longer bit.

**Mr. Peter Kormos (Niagara Centre):** It's your hour.

**Mr. Martiniuk:** Yeah, it's my hour.

Bill 69 has certain laudatory aims, and we in this House are all concerned with the protection of the public, with the protection of employees and with the protection of businesses. This bill, as a stated aim, desires to make the regulatory system in Ontario somewhat more efficient. Now, the minister has already stated that it is not—one of its aims is to save money, although that may be an ancillary end of this bill, but he says it's to make it more efficient and that it is aimed as protection against business—not only large businesses but, in fact, small businesses.

As a matter of fact, it's one of the first times I've ever seen an individual described as an organization. A person who is a sole proprietor is, for the purposes of this act, an organization, and if it's a partnership, he's also an organization. So you don't have to be a corporation. It seems to be aimed—not primarily, but in good part—against small businesses rather than larger businesses within our province. I don't know the reason for that, but that is something we could explore when the matter does go to committee.

**The Acting Speaker:** The minister or the parliamentary assistant may wish to respond.

**Hon. Mr. Peters:** I'd like to thank the members for Cambridge, Nickel Belt, Durham and Scarborough Southwest for their comments. I think it's important to recognize that this is not a bill that's coming forward in any sort of partisan way. This is about everything we do as a government—and all of us are a part of that government—doing things more effectively, more efficiently and getting ourselves out of the silo mentality that exists out there. This is about better supporting public servants here in the province.

I think it's important to note that I personally met with the freedom of information and privacy commissioner about this bill. It's important to note that many of the ideas came out of the ideas campaign from our front-line workers and our men and women on the ground. These men and women put forward initiatives and ideas like this.

As well, to point out some of the concerns: This is not a bill about creating a super inspectorate or generic inspectors. We recognize the technical and complex nature that exists within the various pieces of legislation, and that expertise will continue. This is not an exercise, as we move forward, about cutting jobs or trying to save money; this is about trying to do things better within government.

This is an historic opportunity for us in this Legislature to really start to streamline the way we do business in this province, that ministries can share information. I just found it unbelievable that governments of all stripes

in the past in this province had not put provisions in place to allow legislative sharing of information from ministry to ministry. It really is mind-boggling to discover that that information sharing could not take place. This is about ending duplication, about doing things better, and I would ask all members of the House to support this bill as it goes forward.

**The Acting Speaker:** Further debate?

**Mr. Martiniuk:** I have the privilege of joining in the second reading debate of Bill 69, An Act to allow for information sharing about regulated organizations to improve efficiency in the administration and enforcement of regulatory legislation and to make consequential amendments to other Acts.

I'd like to congratulate the minister for bringing forward this bill, because I certainly agree with the aims. As a matter of fact, the minister was just down in Cambridge not too long ago, and the two of us toured the Toyota plant. It was great to see industry in our area booming. Unfortunately, that is not happening right across Ontario.

Unfortunately, I did not have time to take the minister to visit our hospitals, because that's what I would like to talk about: the pain and anguish of myself and every member of the region of Waterloo, who don't know if our emergency wards are going to be open tomorrow or the next day. And they're studying it. They're paying our emergency doctors \$170 an hour. In Hamilton, where they have a whole bunch of members—they forgot about Mr. Milloy—they pay \$200 an hour. In London, they're paying them \$200 an hour. And somehow, the Minister of Health cannot figure out why doctors are reluctant to come to emergency wards in Cambridge or Kitchener: It's because we pay them \$30 less. You don't have to be a brain surgeon to figure that out, but it seems that our Minister of Health is having some difficulty. I hope he fixes it, because each individual member of our population—our population of half a million—lives in dread that one of our emergency wards is going to close. It simply means that we live with this fear, and it's putting the safety and health of residents at risk. There is very little doubt about that.

But that's not what we're here to talk about, though we may come back to it later.

1600

We're here to talk about Bill 69, which could be termed "Big Brother is watching you," because it's a really interesting bill. It's going to make our regulatory system more efficient, and our inspectors may not have to work as hard to do the same thing. But to do that, we've got to change a few things. This is a massive bill. It's only a few pages long, but there are 13 ministries involved. That in itself is a wondrous statistic. If anybody knows anything about governments and the silo effect of ministries, what they mean by "silo," for those of you who are not agricultural experts—and I'm certainly not one—is the ministries end up being like a silo of grain on a farm, a concrete circle, 30 feet high, that's filled up and then used during the winter for livestock feeding. Sometimes the ministries seem that way; they don't want



to talk to each other. We have over 20 ministries, and if they're not communicating, that can lead to a great deal of waste and duplication. One of the things in this bill tries to alleviate that and maybe make a number of ministries more efficient by permitting them to communicate more. But to do that—in the law up to now there have been certain safeguards where one ministry collects information and statistics and cannot give them to other parts of the government—we have to amend approximately 22 statutes to permit this exchange of information, which up to now has been confidential. It has been information within a particular ministry, and now it can be shared with other ministries.

Why don't we take a look at the statutes that this bill deals with, because this is not only a very far-reaching bill, it's also in a sense an omnibus bill; it deals with at least 22 other statutes. Actually, it deals with more. Those 22 are listed, and we're going to go through them in a minute. But in addition to that, under section 6, or by regulation, the Minister of Labour can designate other statutes to fall within this act. So it's not just the 22 that we're talking about; we're talking about any act, conceivably any type of regulation in Ontario.

For instance, is the minister interested in bringing the Education Act under the terms of this? Does that mean that in some manner inspections of private schools could be done by various regulatory vehicles? I don't know, because this is going to be done in a backroom, where we're not going to have input in this regard. These are regulations, so this is done in cabinet, in secret, and quite properly; that's the way it's done. But we're not going to have the ability to complain about it or get feedback. It's just going to be done and it will appear one day, and that will be the end of that.

It could also apply to the Residential Tenancies Act and, of course, the Ministry of Labour Act. It would seem that the Ministry of Labour has been the prime mover, although this is technically not a labour bill. And I'd like to thank John Stager, the assistant deputy minister at the Ministry of Labour, for the briefing he provided today at 12 o'clock, along with his staff. I was the only one present, so we had a great briefing. I thank the ministry and John for that.

But let's talk about what statutes we're going to have to amend. One is the Athletics Control Act. This governs the Athletics Commissioner, boxing and things of that kind, which are inspected for the security of individuals taking part in various sporting activities. Boxing is one that sticks in my mind, because I know the inspections do take place.

Next is the Bailiffs Act. I didn't know there were a lot of bailiffs around anymore, but that would cover a multitude of activities, no doubt.

The Cemeteries Act is a regulated industry. I don't know why they feel it's necessary to bring a super-inspector into the Cemeteries Act, but it seems it is.

The Collection Agencies Act is a statute which establishes certain restrictions on credit agencies for the protection of the public. Any inspections and facts relating

to collection agencies will now be distributed widely among all of these ministries.

The next one is the Consumer Protection Act. Everyone, I'm sure, is aware of that. That is an act, of course, set up to protect consumers from scams and various illegal activities.

The Electricity Act is also under this. It is amended by Bill 69. This governs the electricians within the industry, as I understand it. Information in their jurisdiction will also be distributed to 13 different ministries, possibly—or up to 13.

The Environmental Protection Act I think everybody is familiar with.

The Food Safety and Quality Act, 2001, is there for the protection of the consumer, and now inspections and information derived from that will be distributed widely within the government, whereas it may not have been in the past.

We can't forget the Funeral Directors and Establishments Act. I take it there are inspections done to make sure they are conforming with all the regulations under their act. Again, any information acquired there can be distributed widely among the government.

The same would go with the next one, which is the Funeral, Burial and Cremation Services Act, which is really part and parcel of the funeral directors.

Next is the Motor Vehicle Dealers Act, 2002. Everyone looking and listening is probably aware that a used car dealership is a self-governing corporation, but it is governed by the Motor Vehicle Dealers Act, as amended. Again, information they acquire by way of inspections and regulation will be available widely throughout this government.

Next is the new act, the Nutrient Management Act, 2002. Inspections of plans of nutrient management on farm properties are taken and, again, that information will be widely distributed within this government.

Next is an act that I didn't even know we had, the Oil, Gas and Salt Resources Act, which is an act that governs the few gas wells we have left in Ontario, and of course the salt mine up in Goderich. I always remember that one. I'm sure there are regulations as to the operation of those resources, and those statistics and inspection advice will be widely available to this government.

Next is the Real Estate and Business Brokers Act, 2002. Again, that is a regulated profession. All statistics and inspections and results of inspections will be widely distributed to all parts of this government.

There are only three more. The Technical Standards and Safety Act, 2000, deals with a very important matter that many of us use every day: elevators and boilers. Again, their inspections and statistics will be available throughout and distributed widely in this government.

**1610**

Next is, again, a self-regulating industry: the Travel Industry Act. The information and statistics acquired through inspections and governance will be widely distributed throughout this government.

Last, but certainly not least, is the Waste Diversion Act, 2002. I'm sure that the members for London are all



familiar with that act, considering the problems they've got down there with their new waste pit. That information and statistics will be widely distributed to this government.

As you can see, not only do we have the removal of restrictions which may have been contained in those 22 different statutes, but also, as I mentioned, under section 6 other acts can be designated to bring them within the workings of this particular act. Of course, those designations would be done by regulation in private cabinet meetings, and we would not be privy to them nor would we have the opportunity of bringing to their attention whether or not that particular industry should be, or that particular statute should be, brought within the purview of the act.

We're talking about types of information, and they talk about these. That is contained in paragraph 4, and we'll come back to that. But I want to state, first of all, our position: that our caucus recognizes the importance of a sound regulatory and enforcement regime. However, we wish to ensure that those charged with enforcement and inspection, especially in the regulatory areas, are able to competently assess regulatory procedure to avoid unnecessarily burdening employers. It is also important not to ask personnel of the various ministries and agencies charged with keeping Ontarians safe to discharge responsibilities that they are not trained to do. We'll deal with that a little later. In our role as the official opposition, we will be monitoring this bill closely to ensure it balances the needs of a comprehensive, streamlined enforcement regime with the interests of public safety and employers.

The avowed purpose of this bill is to change the way government inspects, investigates and enforces compliance of businesses with the laws of Ontario by increasing co-operation and information sharing between various ministries and regulatory agencies. If passed, this legislation will permit the sharing of specified information and observations between various regulatory agencies and ministries. As I mentioned, at this point there are approximately 13 ministries which have been involved, and will be involved, with the sharing of information.

It would allow for the publication of certain types of collected information. Those are enumerated in the bill, and some of them are quite innocuous and harmless. In section 4, they list them: "The legal name of an organization"; the name under which it operates; the address, the principle place of business—things of that kind; any identifying number that they have with the government—a particular ministry has designated a number or a file under which they operate;

"5. Statistical information about an organization and sector or industry in which the organization operates.

"6. With respect to a licence, permit, certificate or other similar approval that an organization may or is required to obtain under designated legislation, information about its issuance or renewal, a refusal to issue or renew it or its suspension, revocation or cancellation." Those are pretty straightforward. I personally don't see a problem with them, though others maybe.

Paragraph 7 is a more interesting paragraph to section 4: "Information about complaints filed in respect of an organization where the complaint is regarding conduct that may be in contravention of designated legislation." So here we are. Part of the information they're going to collect is complaints about a particular organization. There's nothing in this to determine whether or not those complaints are investigated and resolved. They may be merely a statistical number of complaints or there may be more to it. But by the use of "complaint" rather than—later on we'll talk about conviction under a regulatory act. A conviction is where due process has taken place and individuals, wrongdoers, are brought before a tribunal or a court under the regulation provisions and found, after due process and a trial or a guilty plea, to have admitted their guilt. So there has been an adjudication and there has been protection to individuals.

There's nothing else about how this complaint is to be handled in the act. A complaint is quite nebulous. I don't think anyone can live this life without somebody complaining about their actions or because they disagree with things that we do every day. Some of them are neutral, some of them are good, some of them are constructive and some of them are merely spiteful. It's the spiteful ones that we have to be concerned about. What an easy way to destroy a business, by making a complaint or fabricating complaints by e-mail, by anonymous letters and things of that kind, because it's going to affect, conceivably, someone's livelihood. This is not just a passing fancy. Later in the act, because we were dealing with the types of information, and we're on paragraph 7, we're going to come back to that. But under section 5, that information, a complaint—it's not a conviction, not a fact, but a complaint, nothing more than that. There's nothing to say that it has to be signed; it could be anonymous. That complaint can "assist with determinations regarding an organization's entitlement or eligibility for a licence, permit, certificate or other approval under designated legislation." That's probably one of the most dangerous things I have seen in legislation since I came to this House. It seems quite innocuous. You want to know about complaints, and all of a sudden a complaint that may be without foundation becomes a matter of consideration of a judicial or semi-judicial tribunal in determining whether a person can get a licence to practise their livelihood. They could be shut down. I find that extremely dangerous.

Then we get into paragraphs 8 and 9. This is "Information compiled in connection with an examination, test, audit, inspection, investigation or other inquiry with respect to an organization under designated legislation, including but not limited to, information regarding forms, notes or reports generated by the inquiry"; and 9 is, again, dealing with information relating to the organization's "compliance with designated legislation." It doesn't say, for instance, if that means that this government could designate, under section 6, the Highway Traffic Act as "designated legislation" and therefore convictions under that act would be in some manner relevant



to some proceeding under one of these regulatory statutes. It is unclear as to whether that's a possibility.

1620

The purposes of that information, which we have just gone through, from 1 to 11—and it does include in 11, “With respect to an owner, officer or director of an organization ... his or her name, home address and home telephone number,” which many directors at present may not want distributed. That could result in—of course, legislation does that. A few years ago, directors could be held liable for certain activities carried on by a corporation. Many people refused then to act as directors. This may again complicate things for anyone who is a director at the present time.

But the purposes of that information, under section 5:

“1. To conduct statistical and risk analysis”—which is totally harmless.

“2. To update or verify the accuracy of records.”

And 3 is the one I read earlier: that, if you get a complaint, that can be used “to assist with determinations regarding an organization's entitlement or eligibility for a licence, permit, certificate or other approval under designated legislation.

“4. To assist in the planning and conduct of an examination, test, audit, inspection or other inquiry under designated legislation.”

The remaining ones are relatively harmless, down to paragraph 9.

I'd like to deal with information sharing. Currently, there are a number of statutes effectively prohibiting the sharing of information between various regulatory agencies and ministries. I think I related to that earlier. Bill 69 proposes to change this by permitting the collection, use, sharing and disclosure of certain types of business information. This includes information about the organization, name etc. and statistical information as well as compliance information relating to matters such as approvals, complaints, inquiries, orders, notices and, lastly, convictions.

Although the term “organization” is not specifically defined—it sort of is. Let's just take a look. If I recall, under a section in here there was specific inclusion of individuals and partnerships under the term “organization.”

This information may be collected, used or shared or disclosed only for purposes listed in the bill, but, as you can see, they are far-ranging, plus they affect the individual rights of anyone who wishes to establish a small business.

The authority to share information will apply to the above-noted types of information, even if the information was collected prior to the coming in force of the bill. This is something the Liberals love doing. Their legislation is always retroactive. We live in a country where the rule of law is paramount. What does “rule of law” mean? It simply means that you know in advance that if you take certain actions, then you are either regulated or prohibited by law from taking those, and you can expect the repercussions. The McGuinty government has never

liked that concept of the rule of law. They would prefer to make everything retroactive, so that if you do things right now, before this act is passed, those actions, perfectly legal at the present time, could be held against you down the road. You didn't know that at the time you committed those actions. You thought everything was okay, but they are now not okay because they can be used against you. That's why the rule of law is so important, and it is being ignored by the retroactivity of this bill.

Under Bill 69, if a person with authority under one regulatory scheme observes something that is relevant to another regulatory scheme, such as a breach, that person may disclose that observation to another person with authority to enforce the other regulatory scheme. This has been dubbed the heads-up provision, and it could also be dubbed the fishing expedition. It should be noted that the observation may be shared with enforcement authorities under any other act or regulation, whether or not the act or regulation is specifically designated in the bill.

This means that if an inspector comes into a property, which he has a right to do, and given free access under the law—as a matter of fact, the person is obligated to give him free access to complete his inspection—to inspect a labour matter, let's say, a very important task, and there is some concern that a machine may not be safe to operate, the inspector is there to ensure and inspect the particular machine to determine whether it's safe or not; if not, he can shut it down. He can observe, however, and do inspections for 13 other ministries while he's there. So he's there under the flag of doing an inspection for the Ministry of Labour, which everybody knows, and all of a sudden he's got 12 hats in his bag, and he can take the labour hat off and put another hat on to do an inspection. There's only one problem: His head stays the same. Different colour hats do not give that person the skills to do inspections in other areas; for instance, in the environment. So is that going to lead to problems? I'm sure it will.

I am concerned. There's nothing in this act—we don't know about the regulations yet—to prevent fishing expeditions, especially with the super inspectors. One of the provisions is that one person may be designated as a super inspector, which to me sounds awfully close to, “How many people are you going to lay off at the various ministries?” I'm told that they're not here to save money, but is that really what's going to happen? Why do we need inspectors who are now authorized to inspect for various other ministries rather than their own? Again, that's something I'm certain the ministry has good answers for, to answer those inquiries, and I look forward to hearing them when we go to committee on this matter, because this is a bill that requires committee hearings.

Next, they deal with the publication of information. Bill 69 not only permits information to be shared among ministries or other regulatory agencies—at least 13 that I know of. It seems like everybody's going to get a copy. I'll tell you, the paper bill of the government's going to go up a big buck, because they're going to be churning



out this paper to distribute it to different places, which they haven't had to do up to now. But it also authorizes the publication—including on the Internet, which is now a publication—of certain statistical and compliance information about an organization. Statistical information is one thing, but if in fact an organization has not complied and, I assume, has been convicted, although it isn't clear that that's a fact, then they can be chastised by publicizing their non-compliance.

1630

The proposal permits such disclosure even if the information was collected, again, prior to the coming into force of the bill. We're not interested in the rule of law when it comes to this bill.

We talked about multiple authorizations. Under the proposed legislation, ministries may authorize a single person or a class of persons to exercise functions under more than one act or regulation. This raises a question as to whether or not the person working under the multiple regimes will have the proper qualifications for each regime under which he or she is appointed. It also raises in my mind, again, who is going to lose their job as a result of this multiple regime?

Sentencing is a part of this bill. You wouldn't expect to see it dealt with, but under the Criminal Code, when it comes to sentencing, the judge is made aware, if he hasn't been up to that time, because ordinarily you can't bring it up through the trial unless the person testifies—the accused, that is. That has never been applied to non-criminal matters when it comes to sentencing.

For the first time, there is a new concept of taking what has occurred in criminal law when it comes to sentencing and using prior convictions. I think it's easier with criminal law because each of them are criminal offences, or what society determines in their mind as criminal offences, whereas here what convictions are we talking about? Really the act is silent. I don't know whether parking tickets would fit, because that isn't a conviction under the act unless the Municipal Act was designated. It's under a bylaw. But certainly the Highway Traffic Act: If you had a speeding ticket, is that a matter that the judicial tribunal, the justice of the peace or whoever is hearing the matter should take into consideration? There is nothing to assist us in that regard. I'm sure the minister has some excellent answers, and again I look forward to hearing from him and his staff at that time.

I'm going to take this opportunity to read a letter. This letter is from the Retail Council of Canada, the RCC. I won't mention the person's name. The reason I'm going to read it into the record is because it's an excellent letter. It deals very constructively with this bill, I feel. Obviously somebody has done a great deal of work in coming to some of its recommendations. This is not an adversarial letter. This is a letter that I think we should be dealing with at committee, and the recommendations they've made. I just wanted to acknowledge from where I'm reading. I don't mean to plagiarize, but rather than cause the person embarrassment—I don't think there

would be embarrassment, but I'm just going to say that it's from that organization rather than naming the actual writer. They're writing on behalf of the Retail Council of Canada, however, and they deal with it as follows.

Under the heading "Information Sharing":

"Section 4 of the act, types of information, lists the types of information that may be collected, used and disclosed for the purposes of regulatory compliance. The intent is to allow ministries to work together and reduce duplication, which would result in the more efficient use of government resources, and ease the regulatory burden faced by Ontario's businesses. However, RCC is concerned that the scope of information that can be collected, used and disclosed is too broadly defined in the act.

"Much of the information that can be collected, used and disclosed under this section is of a non-statistical nature. We are particularly concerned about the inclusion of complaints in this section"—this is something we have already dealt with. "There is insufficient protection against the publication of frivolous complaints which may cause damage to a company's reputation and brand, a concern which is especially acute in a highly competitive industry such as retail.

"If a complaint has been validated by judicial process, it becomes a matter of public record and thus may be appropriately included under section 4(9) regarding information related to an organization's compliance with designated legislation. Complaints that have not been validated by judicial process may prove to have no merit. However, once collected, used and disclosed, the damage to the organization may prove irreparable. Thus, we recommend that this section be deleted.

"RCC is also concerned about section 4(8) regarding the collection, use and disclosure of information related to an organization's test, audit, inspection, investigation or other inquiry, and particularly about the collection, use and disclosure of information regarding forms, notes or reports generated by the inquiry. Invalidated, subjective information of this nature is neither constructive nor conducive to meaningful inspection analysis of any company, chronic violator or otherwise. Thus, we recommend that this section be deleted."

"Heads-up Authority

"Section 9 of the act, 'Observing and disclosing,' proposes to allow field staff acting under the authority of one statute to disclose observations that are likely to be relevant to another statute to a person who administers or enforces the other statute. That is, field staff would be authorized to provide their colleagues with a heads-up.

"RCC appreciates that the intent of this section is to better protect the public against potentially serious violators by allowing inspectors to share field observations. However, RCC is concerned that the provision, as currently drafted, allows for potential abuse to the detriment of the respective business. In particular, RCC is concerned that authorizing field officers to make observations—visual or otherwise—for potential contraventions of a statute under which they have no training is irresponsible and unfair. Without proper training,



inspection officers do not have the expertise to determine what is relevant to another statute or ministry.

"While it is clear, as the government has stated, that section 9 does not authorize 'fishing expeditions,' the section does not provide adequate protection against them. For example, if a PST officer from the Ministry of Finance is conducting an audit of a retail establishment and does not observe an Employment Standards Act (ESA) poster, they may choose to provide their colleague at the Ministry of Labour with a heads-up. When the labour inspector visits the same establishment, he may find that indeed the proper version 3.0 of the ESA poster is posted, as required by law. The labour inspector may have no reason to be in the establishment other than to follow up on the heads-up from their ministry colleague. Not finding what they came for, it is not unlikely that the inspector may choose to undertake a 'fishing expedition' to make the trip worthwhile.

"As the government's intent in drafting this section is to focus on chronic violators with potentially serious infractions, RCC recommends that the heads-up provision be limited to violations that may result in danger to human health or the environment. Further, that specific violations that field staff are authorized to provide a heads-up on be communicated to the business community. Employers have the right to know what staff are investigating, whether or not it is the result of the inspection or simply an observation. This section, as currently drafted, places too much power in the hands of the inspectors, which must be balanced by, at a minimum, proper disclosure.

#### "Multiple Authorizations

"Section 13 of the act, 'Multiple authorizations,' proposes to allow ministers to create special teams of compliance officers to act on behalf of multiple ministries. That is, the section allows for the creation of 'super-inspectors.'

1640

"The intent is to provide opportunities for staff to work together in areas that require special levels of co-operation, such as assisting small business in understanding and achieving their regulatory compliance responsibilities. However, this lofty goal is not achievable without a significant investment in training.

"Increasing the enforcement responsibilities of inspectors under multiple designations would require large added functional training requirements and still could not guarantee an effective level of enforcement competency. This would result in significant issues for the regulated business community.

"Further, the RCC recommends that the 'super-inspector' not only be trained, but also be certified to inspect under the multitude of designated statutes. Employers are expected to be knowledgeable on every statute that may affect them—despite that not being their primary line of work—thus, it is fair and reasonable to expect that inspectors be trained and certified to carry out the inspections under the multitude of statutes that are assigned. Assisting small business in understanding and

achieving their regulatory compliance responsibilities—as opposed to regulatory enforcement—is a departure from current inspection activities. This shift of focus would be welcome to small business. However, in the absence of proper training, the 'super inspectors' will only intimidate small businesses further, frustrating the intent of the government.

#### "Publication of Compliance Information

"Section 10(4) of the act, Publication of information, proposes to authorize ministers or their delegates to publish a range of compliance information about organizations, and conviction information about individuals.

"For the reason described above under 'Information Sharing,' this section is of great concern to RCC and our members, particularly the publication of information about complaints and the publication of information compiled in connection with an examination, test, audit, investigation or inspection including any related forms, notes or reports generated by the inquiry.

"We recommend that only the publication of information related to convictions or contraventions under designated legislation that have been validated by judicial process be permitted. RCC appreciates that the government has included this provision in the proposed act as a deterrent to non-compliance. However, if the scope of information that can be published is not limited, the provision may have the opposite effect of damaging the reputation of compliant businesses.

#### "Retroactivity

"The act proposes to allow for the collection, use, and disclosure of information that was originally collected before the act comes into force. Further, the act proposes to allow for the publication of information about compliance activity and convictions that occurred before the act comes into force. While RCC appreciates that the government's intent is to target chronic violators, we fear that the significant authority may inadvertently penalize compliant companies, particularly those with a long history of business operations in the province. In order to avoid the appearance of a 'witch hunt,' we recommend that the government limit the types of information from the past that may be considered to ensure their relevance.

"Once again, thank you for the opportunity to provide the above comments on the proposed Bill 69, Regulatory Modernization Act," etc.

That is an excellent letter which summarizes many of the concerns of the retail industry.

I thank the Speaker for this opportunity to address this matter shortly. I'm going to cut it off now because I am anxious to hear the comments of my friend from somewhere down south—I think it's Niagara Falls or somewhere like that; Welland-Thorold, now I remember—and his, as usual, insightful and amusing talks.

#### The Acting Speaker: Questions and comments?

**Mr. Kormos:** I want to commend the member from Cambridge, Mr. Martiniuk, for his exhaustive analysis of this legislation. His colleague from Durham introduced him at least twice as a lawyer with expertise and background in this area, and Mr. Martiniuk, the member from



Cambridge, demonstrated that during the short time allowed to him. This could be pretty dry stuff; let's face it. It isn't the sexiest stuff in the world to debate. It's important stuff because it's day-to-day stuff; it's life-and-death stuff.

Mr. Martiniuk, the member from Cambridge, has taken what could be a rather dry subject and turned it into—well, he's breathed life into it. He's animated it. He's turned it from the abstract to the real. It's as if you could reach out, touch your television screen and feel the workplaces that he was talking about. And there perhaps were people doing precisely that. There were people who were so moved, watching and listening to the contribution to this debate by the critic for the Conservative Party that they felt compelled to touch their television screens to connect with the passion and the potency and the power of this member's contribution.

I want to tell you that I'm excited now. I'll be doing my one-hour lead in approximately eight minutes. Ms. Martel is going to speak for two minutes. Mr. Martiniuk, of course, is going to rise and respond to the comments and questions to his address. I just want to thank the member because I'm ready now to do my hour, Mr. Martiniuk, and without you, I'm not sure I would be. I thank you kindly.

**Hon. Mr. Peters:** I want to thank the member for his insightful analysis of the bill. I look forward to working with him and the members of the third party as we move forward. I appreciated that he made reference to supporting the aim of the bill and, as well, his recognition of the importance of sound regulatory and enforcement regimes here in the province. But what this is really about is the need for us as a government to bring government into the 21st century, to modernize the way that we share information and how we work together across government. It's extremely important that we move forward in that regard.

As well, there were a number of issues raised by the member that I know we'll have the opportunity to deal with over the course of the debate. One of the issues he raised was the creation of special super-inspectorates. The scenario the honourable member used, talking of the labour inspector going in and then having to wear 12 hats—well, that is not what this bill is about. What this bill is about is that when that labour inspector goes in to make that inspection on that machine and he sees in the course of that inspection that that machine is leaking oil into a drainpipe that is going into a municipal sewer, that inspector will have the legislative authority to contact the Ministry of the Environment to make them aware of a potential environmental hazard.

As well, we know that business owners from the super-inspectorate standpoint want to deal with inspectors who are knowledgeable and who have expertise with the legislation for which they are responsible. We recognize that our inspectors are highly trained professionals in their fields. Our inspectors are not responsible for enforcing multiple statutes outside their professional training. We're providing inspectors with the tools they need to do their jobs effectively.

**Mr. O'Toole:** I have to repeat the comments that have been made. The member from Cambridge's insightful analysis sums it up, and that's been used by both the previous commenters. As I say, he is more than qualified. I did listen to some of the technical nature, although perhaps some of it, as the member from Niagara would be saying, is a bit dry.

I think it's putting people on alert here too that it must go for hearings. That alert I'm sending out—if I look in here, it's actually in part V. They are amending 25 different statutes, everything from the Athletics Control Act to the Bailiff's Act and the Cemeteries Act. Here's the Electricity Act. The ESA, the Electrical Safety Authority—I know something of that.

1650

**Mr. Kormos:** Right here.

**Mr. O'Toole:** Of course. That's one you want to keep an—the other one you want to mention, Mr. Kormos, is the TSSA, the Technical Standards and Safety Authority. This group has the pressure vessels, the elevating devices, as well as—

*Interjection.*

**Mr. O'Toole:** Huge issues.

**Hon. Mr. Peters:** Carnival rides.

**Mr. O'Toole:** Yes, amusement rides and stuffed articles. But they're very important. In fact, if they show up on your property, get the chequebook out.

*Interjection.*

**Mr. O'Toole:** No, no. If the TSSA shows up on your property, get your chequebook out.

*Interjection.*

**Mr. O'Toole:** I'll just say to you that you're the government, and you have the opportunity here to look at these things and to make sure that they operate respectfully.

I'm putting you on notice that we will be, in principle, very supportive, and our critic has said that, but there is some devil in the detail every time you deal with the McGuinty government. I don't paint you all with the same brush—some of you are different—but you can't trust everything they say. This is what I have learned. They'd promise anything. A lot of the legislation they're dealing with now won't even become law, like the Clean Water Act, until well after the next election. We promise to clean up most of the mess that they've made. That's the only thing I can say.

**Ms. Martel:** I wasn't going to be so partisan. I just want to say, with respect to the comments made by the member from Cambridge, that, as the NDP health critic, I was glad that he talked about Grand River and all the problems there. I'll leave that for another day.

I do want to say that I thought I had a little bit of an understanding of the bill because I've been talking to my colleague from Niagara Centre about it, but I appreciated that the member read into the record the numerous different statutes, 25 at least, that are going to have to be amended through this bill, and that he put on the public record what those statutes are. I thought that I knew a



little bit about the bill, but after I listened to him speak, I learned a whole lot more.

I'm also concerned. I said this in my two-minute response earlier to the government members and I'll say this again. I know the minister says that this is not a bill to develop super-inspectors who are going to be multi-tasking and, as a result, perhaps unable to do their job effectively and perhaps unable to use their full expertise as they are now, for example, if they are Ministry of Transportation inspectors, Ministry of Labour inspectors, Ministry of the Environment inspectors etc. I do want to say that I hope that's not where this is leading. We have some incredible public servants who have some incredible expertise in terms of the inspections they do; in terms of their knowledge of what to look for in a workplace; in terms of their historical background with some of these workplaces as well, especially in terms of some repeat offenders, some historical context to work with when they are going in and doing those inspections.

While I appreciate that what this is supposed to be about is making sure that those folks, if they see something else that affects another ministry, can report that and get those other inspectors on to it, I wouldn't want to find us in a position where we're expecting that inspector to do a number of things that he or she normally wouldn't do, which might then lead to a diminution of the particular skill and expertise that they have.

**The Acting Speaker:** The member from Cambridge has two minutes to respond.

**Mr. Martiniuk:** I'd like to thank and apologize to the member for Niagara Centre. I really think that you should change it back to Welland-Thorold. There was a mysticism about that name that sort of hung in the air, whereas Niagara Centre—I don't know; it just doesn't cut it.

Of course, I thank the Minister of Labour. I know that he will co-operate and we'll all co-operate in a non-partisan fashion to make this bill even better than it presently is. But it certainly is a good start.

As usual, I get to thank my colleague and friend John O'Toole, I think his name is, from Durham, for his kind comments. And thanks to the member from Nickel Belt for her comments.

**The Acting Speaker:** Further debate?

**Mr. Kormos:** It's a pleasure for me to rise and speak to Bill 69 on the occasion of the first day of second reading of the bill. I want to apologize to my caucus colleagues who were eager to speak to this bill today, for whom there simply wasn't enough time in the daily schedule. It's five to 5 now. We're of course going to wrap up and 6, and we'll be back at 6:45. So I know I disappointed some of my caucus colleagues; I told them I wasn't prepared to share my one-hour leadoff with them.

**Ms. Martel:** We're crushed.

**Mr. Kormos:** I know that some are angry with me for that, and I really hope they can get over it. It's not the first time my caucus colleagues have been angry with me.

**Ms. Martel:** It won't be the last.

**Mr. Kormos:** I suspect it won't be the last time that they'll be angry with me.

You see, being in a caucus is like being in a marriage without love, right? You have the duties and obligations and you learn to get along with each other. But, as I say, you live with each other's shortcomings, and you really don't have the options that are available to married folks.

**Ms. Martel:** Speaker, do we have to put up with this?

**Mr. Kormos:** Ms. Martel points out.

You don't have the options that are available to married folk. You've simply got to grin and bear it. So I do apologize to my caucus colleagues who aren't going to be able to speak to the bill today. But they will have their opportunities on the second and third days of second reading debate, and I know they'll be here zealously addressing the bill.

I want to tell you something right off the top. This bill is not as simple as it appears. Let me put it this way. I live down in Niagara Centre, Welland-Thorold, as you well know. Here we are in Toronto. There are two ways to get to Niagara Centre from Toronto. You can get on the Gardiner, then on the QEW, then on the 406, and you end up in Welland. That's probably the fastest way, unless of course it's rush hour. Or you can get on Highway 2, right, along the lakeshore of Lake Ontario and take the bridge instead of the Skyway at Burlington and then take Highway 8 or Highway 20 down to Welland.

**Mr. Kevin Daniel Flynn (Oakville):** That's the scenic route.

**Mr. Kormos:** That's the scenic route. It may take a little longer, but you learn a lot more on the way there.

What I'm saying to you is that, as I progress to these next 57 minutes, it may seem from time to time that I'm not taking the most expedient route, but I assure you we're getting to where we would have gotten in any event.

Look, Speaker, if you're inclined to jump to your feet and chastise me for what might appear, merely appear, to not be on point at any given point in time, I apologize in advance. I want you to know that I truly regret that from time to time it may appear that I'm not on point. All I'm doing is taking the scenic route, Speaker. It's not that we're not going to the same destination; I just want you to see a little more on the way there. It's not that we're not going to get there; it might just take a little longer to arrive there.

I do want to say to the minister and the parliamentary assistant that I'm grateful that they have enough interest in this bill—and they do—to be here to participate in the second reading debate. It is a long-time practice for ministers to at least sit through the lead speeches, and the minister in this instance is clearly doing that. He may well leave the heavy lifting to his parliamentary assistant, and in that case, Mr. Racco, of course, is the parliamentary assistant to the Minister of Labour—

**Mr. Berardinetti:** The member for Thornhill.

**Mr. Kormos:** —and the member for Thornhill—and this is the first bill that he's going to have stewardship of as a parliamentary assistant. I congratulate him. I'm



looking forward to him again carrying this bill through committee. I want his minister to know that I'm confident, because I've seen Mr. Racco work in committee as a Chair. I've seen Mr. Racco perform admirably in that respect. And I want to congratulate Mr. Racco for his role as parliamentary assistant to the Minister of Labour and express to the minister that he can have every confidence that his parliamentary assistant will properly, adequately and effectively steward the bill through the committee process and, I'm confident, get it referred back to the House in an efficient way. One of the things a parliamentary assistant has to do, as you well know, when carrying the bill for the minister, when guiding it through the process, is develop and maintain relationships with opposition members. The parliamentary assistant wants to avoid any undue delay. The parliamentary assistant wants to make sure, of course, that the House leaders' schedule is accommodated and that the bill gets back for third reading. Mr. Racco, the member for Thornhill, has demonstrated an ability to do that, at least from my perspective. He knows how to build relationships with people, even with people who don't share his political perspective. That brings results; that has its rewards.

1700

I do want to thank Elliot Anderson from our research staff for the thorough briefing notes that were made available to Ms. Martel and me. I'm grateful for the support we get from research in the NDP caucus. It's valuable.

One of the responsibilities, of course—this place is all about talking; it's all about language; it's all about debating. Thank you kindly, Bryce. I appreciate it very much. Bryce just went to the library for me and got some material. He's a page. I'm going to try to read it at the same time as I speak to you. This material has absolutely nothing to do with the comments I'm making. So there I am, reading something that is totally irrelevant to the comments I'm making, trying to understand what I'm reading and addressing you at the same time.

Martin Gilbert is a British historian whom I'm a fan of. He has written some really good stuff, and he has just finished, apparently, a biography of Churchill. You may have read about it in the book reviews in the newspapers. As a matter of fact it was the Post that made reference to it, this morning's Post, where they reflected on some of the language used in the federal Parliament. As a matter of fact Martin Gilbert—is this the brand new one? Here we are. My very well read colleague Mr. Arnott, member for Waterloo—Wellington, knew exactly what I was talking about. He had just withdrawn the book from the library.

Mr. Dunlop, do you have a point of order?

**Mr. Garfield Dunlop (Simcoe North):** No. I'd yell it out if I did.

**Mr. Kormos:** Okay. The book that Martin Gilbert—in references made in this morning's National Post article about language that's being used and the style of debate in the federal Parliament, there was my former seat mate here, John Baird, on the front page of the National Post,

and Baird was being as pit bullsh as ever—got himself front page, not a photo but the quote, the clip, the little comment. I can't remember what it was, but it was used to illustrate the depths to which debate can descend in Parliament. The article made reference to the Martin Gilbert biography of Winston Churchill, called *The Will of the People: Winston Churchill and Parliamentary Democracy*, “an incisive, in-depth look at Winston Churchill's lifelong commitment to parliamentary democracy.”

Churchill was an interesting historical person in that he had one foot planted in imperial Britain in that era, which was democratic to the point that the Parliament permitted it. It was in an era before electoral reform in Britain, for instance, and then of course his second foot, the end of his life in that postwar period, where there were the final gasps of colonialism, at the historical style of colonialism and imperialism, and the imperial empire was dying. I'm convinced that Churchill still had very much that imperial colonial mindset, that he didn't escape it. He believed in Parliament; he was a parliamentarian. His sense of democracy was fashioned by where he came from, and I'll leave it at that before I attract all sorts of incredibly nasty e-mails and letters from people—but a complex person. His book apparently, and that's why the reference is made to it in this morning's National Post, was about Churchill's adamant—Mr. Arnott can correct me if I'm wrong on this. The book makes reference to the fact that, for instance, after the war, when the Chamber had been destroyed with bombing, Churchill insisted that when it was rebuilt, it not be constructed to accommodate all of the members because he thought that debate—in the British Parliament in Westminster, you don't have enough seats for everybody, so people who want to participate in, witness, act as collaborators or fans or cheerleaders during a debate crowd around the speaker. Again, Churchill actually wanted to maintain the heckling, the interplay, the exchange that had existed pre-war and wasn't going to dilute that by building a parliamentary chamber with enough seats to accommodate every single one of its members so that they could all sit comfortably. Look, here we go. Other than for question period, oftentimes this place has but a quorum in it. It's not regrettable, but it's just the nature of the beast. If Ted Arnott reads the book, everybody should read it.

*Interjection.*

**Mr. Kormos:** I'm serious. Sir Martin Gilbert, *The Will of the People: Winston Churchill and Parliamentary Democracy*, Vintage publishers, Canada. Obviously, it's available in paperback, because that's the version the library bought—\$17.95. It's in the history of political science section.

*Interjection.*

**Mr. Kormos:** He is. He's in London, Ontario, currently. Well that's a real plug, then, isn't it? Yes.

In any event, it's all about language. One of the things that I noticed in this bill—look, bear with me for just a couple of minutes—is the spelling of the word “e-mail.”



For the purpose of reference, it's found on page 4, section 4 and paragraph 3. The word "e-mail" is spelled e-hyphen-mail.

*Interjection.*

**Mr. Kormos:** What was that, Mr. Racco? Mr. Racco interjects. I'm certain you do and it's not inappropriate for you to do that, Mr. Racco. But the second edition of the Canadian Oxford English dictionary—the 2004 edition, the most recent edition—spells it without the hyphen: one word. The 1998 edition, the first edition of the Canadian Oxford English, spelled it hyphenated. The Oxford English dictionary—is it the second or third edition? The most recent edition of the 20-volume set, the exhaustive one, spells "email" unhyphenated, as the preferred version, because that's the first version.

Shockingly, I, of course, looked to American dictionaries. And what did I find? That the American dictionaries retain "e-mail."

Now, I took a look at a book called *Grammatically Correct: The Writer's Essential Guide to Punctuation, Spelling, Style, Usage and Grammar* by Anne Stilman.

**Mrs. Christine Elliott (Whitby-Ajax):** Is it American?

**Mr. Kormos:** Hold on. Because she, not inappropriately—you look at any other style guide, any other guide to English language, and you'll find the same thing—talks about the role of the hyphen. You see, "e-mail," as you know, was a neologism; it was an abbreviation of "electronic mail." The first version of "E-mail" capitalized the E. In fact, American dictionaries talk about the capitalized E for E-mail being the noun version and the uncapitalized version, "e-mail," as being the verb. But the authoritative Canadian source, the Canadian Oxford English, doesn't give an option. It doesn't even refer to the "e-mail" version that the Americans retain, or capitalization. The Canadian Oxford English dictionary, which surely is the single source for Canadian spelling, uses "email," one word. This is what Stilman wrote. It's amazing that I came across this chapter by Stilman at the same time as this, because she writes this: "There's a general trend for a new compound"—and this is a compound word, right?—"to start out as open"—in other words, no hyphen—"to acquire a hyphen as it becomes more used more frequently, and"—guess what the third stage is. Guess.

*Interjection.*

**Mr. Kormos:** Yes, "and eventually to merge into one word." So what has happened in Canada is that the compound word "e-mail" has matured into one word.

So I raise this—and literally I'm going to be moving an amendment to the bill in this respect, once it's in committee, and I'll tell you why. Look, we've got Microsoft Word on our computers in our offices, and unless you input language, it forces you on spell-check into the American spellings, huh? That is the most irritating and irresponsible thing. I really believe that.

1710

**Mr. Richard Patten (Ottawa Centre):** Cultural insensitivity.

**Mr. Kormos:** Exactly. Everything anybody said about free trade—right?—and its impact on our culture, Mr. Patten, in that respect has ended up being true. We've lost the distinctive Canadian English language. I think it's something valuable enough to maintain; I really do.

One of the fascinating things—you go to Europe, for instance, or to a couple of places in the Middle East or to South America, and here I am sort of naively thinking that I'm going to hear music that's from that region. But what happens when you go to Eastern Europe, or let's say you go to Poland or Hungary or Slovakia? Do you hear Hungarian or Slovak or Polish music on the radio? No, you hear Madonna and Britney Spears. It rots my socks. It's incredible. The McDonald's arches are going to do to Eastern Europe what Soviet tanks couldn't. Think about it: That cultural inundation and the incredible weight, again, of the worst of Hollywood pop culture, that most commercial of cultures, is going to undermine incredibly rich cultural histories.

Mr. Racco, you're from Italy. Italy is at the same risk, very much.

So I say that we are at greater risk because of course we're English-speaking like our American neighbours, we both speak English, so that makes it easier for us to simply drift into American stylizations and American forms, including American spellings.

I plead with my colleagues for their patience. I plead with them to bear with me when I point out the fact that in things like legislation, if young Canadians can't look at a bill that becomes law in the Parliament as an authoritative source for how a word should be properly spelled in English-speaking Canada, then where else can they look?

This legislation, or any other, should reflect—and I know we deal with it in committee. We dealt with it on Bill 14. Remember that, Ms. Elliott? It was a fascinating exercise for a whole lot of us because we dealt with Bill 14, and there were a whole lot of amendments to the French-language version.

*Interjection.*

**Mr. Kormos:** Is that the 2004?

*Interjection.*

**Mr. Kormos:** Yes. That's the 2004. Okay, so the minister is with me. I think I've won one.

**Hon. Mr. Peters:** We'll be supportive of that.

**Mr. Kormos:** Okay. I've won one.

There were a whole lot of amendments to the French-language terminology. It was an interesting exercise because there was nobody on the committee, I think, who was a francophone by any stretch. Some of us just had enough sort of very basic French background that we could understand what was going on—at least we tried to—and there was a real effort on the part of the French-language translators here at Queen's Park to make sure that the French, especially the translation of the word "paralegal," was properly done, that it was not a bastardization or an anglicization of a French word etc.—something that is very important for French-speaking people in France and in Quebec. So there wasn't the



anglicization or simply—even the direct translation was a sincere effort to have a proper French Canadian, Canadian French, word for newly formed words.

So here we are. Here's this wonderful neologism—"e-mail," electronic mail—with its history, and it has matured in Canada to the point where we can abandon the hyphen and save ourselves a stroke on the keyboard. Think of all the time when you add it all up at the end of the day, at the end of the week, at the end of the year.

*Interjection.*

**Mr. Kormos:** Look, this is a pretty middle-aged group, Mr. Patten. Well, it's true. There is some grey hair in this room, and there's some hair that should be grey but isn't, and it's not because of anybody's genetic attributes. Do you want me to start naming names? This is a pretty grey chamber.

So at the end of the day, when we think about how valuable life is—life is short; life is far too short. So let's not waste time interjecting hyphens into words like e-mail; let's go straight from the "e" to the "m" stroke and move on and do far more important things with our lives. Remember, I have to do 60 minutes on this bill; you don't.

I want to move from section 4, which is page 4 of your bill, to the brief summary of observations that New Democrats have to make about this bill.

Look, we accept the government's explanation. The other observation is, there's a million dollars' worth of cabinet ministers in the House this afternoon; it's really remarkable. It's nice to see you all here. But we hear the government's argument that this bill is designed to make it easier for ministries to share information. It's just that I'm a little skeptical about that. We're going to be interested, when the bill goes to committee, in finding out exactly what it is about the status quo that precludes the sharing of information in the style or manner that the government says it wants to exchange that information from ministry to ministry.

The other dangerous thing, and it's an increasing and growing trend, is, rather than using the regulatory process, where a regulation goes to the committee on regs and private bills, you've got ministerial regulation power. I find that to be troublesome, because you know it's not the minister. With all due respect, the minister—look, I don't want to disappoint folks, but Bill 69 was not the Minister of Labour sitting at his computer starting with, "Let's see; Bill 69. Now, what shall I title it?" and maybe calling one or two staff: "Staff, what do you think I should call this bill?" and then going on to section 1. That's not how bills get drafted. Even in private members' public business, we'd be fools to try to do it. We rely upon legislative counsel. So policy people sit around and make proposals, and then at the end of the day the Premier's office vets them and has to give them the stamp or seal of approval.

The other observation to be made is that things don't happen unless the Premier's office wants them to happen. Is that an unfair comment? And it's not particularly new, Mr. Patten. I've been witnessing the trend in that regard, but you've been here longer than I have, haven't you?

*Interjection.*

**Mr. Kormos:** Well, you have. For you, that's quite a number of years now, but you've witnessed the trend, as I have: that increasingly power is concentrated in the Premier's office. The problem is that caucuses then become more irrelevant. They do.

**Mr. Patten:** All parties do it.

**Mr. Kormos:** That's right. I'm talking about the trend. Mr. Patten interjects, "All parties do it." I think that his contribution by way of interjection is valid. But it's a troubling trend. Don't you think so, Speaker? Because not only does it show disregard for the caucus; it shows disregard for their voters. The trend carries on to cabinet, where even members of cabinet, notwithstanding how committed they are—and I want to tell the Minister of Labour that people out there in the community, stakeholders who have occasion to deal with him, by and large tend to say pretty good things about you. They think that you're an interested and engaged cabinet minister who has a real enthusiasm for your portfolio and, when it comes to workers, yes, has an enthusiasm for the welfare of workers, and that you communicate well with people when they're with you and you respond well to them, and they understand that. It's not just about the ministry; it's about—

*Interjection.*

**Mr. Kormos:** It's not just the minister. It's about P and P, even though P and P doesn't really exist anymore, at least not by statute. It's about Mr. Phillips and Management Board, and really it's about the Premier's office. And it's not elected people in the Premier's office doing it, and it's not civil servants either; it's people who don't have any electoral accountability and who are, quite frankly, oftentimes invisible.

1720

From time to time, a Premier's office will have a gatekeeper. In the last Conservative government there was at least one occasion when the Premier's office had an effective gatekeeper who made himself accessible to people from all caucuses and with whom you could get things done—certainly to government members. But it's even more frustrating when there isn't an effective gatekeeper in the Premier's office, because then even members or ministers have trouble accessing that office and influencing decisions. The best-meaning of government caucus members, never mind the opposition, but the best-meaning of government caucus members and the most committed of them and the most skilful of them have a hard time making things happen.

Of course the Premier's office, when it looks at legislation, wants to assess, "What's the upside and the downside of it?" Right? "Is it going to lose us any friends out there?" Because what happens is that bills are marketed to the Premier. You see these TV series and movies from time to time about the prototypical Hollywood scenario where they're pitching a film idea to the producer, to the money people. But it's very much like that: You've got to pitch your bill to the Premier's office and you've got to persuade the Premier's office that



there's more upside than there is downside, or ideally that it's all upside and no downside.

Sometimes people are—of course, Premier or Premier's staff people, there's no downside to this. There were even a couple of bills that were introduced in this Legislature where I'm convinced the Premier's office was told, "Oh, the Conservatives and New Democrats won't even oppose this bill." I'll bet you dollars to doughnuts that when the pit bull legislation was pitched to the Premier's office, the Premier's office was told, "This is a win-win scenario. Don't worry; there won't be any opposition to it." I'm not saying I was there, I'm not saying anybody spoke out of turn, but it's not very hard to draw that inference.

Of course, as we all know, it wasn't the easy ride that the government thought it was going to be, and indeed left a whole lot of people—and the strange thing is that it's people out there who, believe it or not—you've got two types of opposition to policies or bills. You've got the type of opposition where people say, "Okay, I'm opposed but it's not a vote decider for me." Whereas you've got the other ones where people are so committed to the issue—and the pit bull-Staffordshire terrier people, the dog lovers, the dog enthusiasts, by and large, I think are those people who are going to vote as a result of that bill. They'll remember it. It's fixed; it's etched. Again, in this case it happened to the Liberals. It happened to the Conservatives; it happened to the New Democrats as well. There are people for whom particularly policy direction is going to be a vote decider.

I'm not sure whether this bill is going to be a vote decider. That's one of the reasons the minister, to his credit, was able to get it on the order paper. Mind you, it has been around since February. It has been around since February 27, 2006, and this is the first day that it has been called for second reading debate. What's going on? For the life of me, why would Bill 69 sit on a shelf, collecting dust, as such a modest proposal? I don't know, but it certainly begs the question, doesn't it—that Bill 69 would be allowed to linger and risk disappearing in the black hole of legislative orbit.

You see, the government is anxious, so very anxious, to get out of here by December 14. They'd love to get out of here before December 14. You've got to understand this. That's why the government has evening sittings. The government has evening sittings because it can effect a sessional day without a question period. I'll tell you what: New Democrats will sit Fridays. Let's sit a regular sitting day on Fridays and have a question period at 1:45 on Friday. How's that? You want to accelerate bills through the House? Okay; let's sit five days a week. The federal Parliament does it, doesn't it? Folks familiar with the federal Parliament know that it does. So there you go. You want extra sitting days? You're anxious to get legislation passed? You're not afraid of question period? You say you're not afraid of question period. If you're not afraid of question period, then let's sit Fridays and have question period.

I'll do you one better. The House calendar, as determined by the standing orders, says that you come back on

March 19, 2007. That's a long Christmas break, ain't it? December 14 until March 19. Let me count this out. December, January, February, March. That's a three-month break. I think everybody should be rested up by then. Everybody should have been able to greet constituents and glad-hand, shake hands and attend dinners like I do at St. John the Baptist Hungarian Greek Catholic Church or like where I was last Saturday—it was delightful—at the Croatian National Home. They had their 40th anniversary. Then I moved on from the Croatian National Home because Clara and Alex Babić had their 50th wedding anniversary at the Ukrainian Labour Temple. Those are the left-wing perogies at the Ukrainian Labour Temple. Then the 66th anniversary of the Canadian Slovak League, Branch 23, was just down the road at the Polish Hall. People wonder why the remarkable statistic in this House would be the gross poundage acquired by 103 members over the course of a four-year term.

*Interjections.*

**Mr. Kormos:** Oh, I caution people, I used to be skinny. There are a couple of people here old enough to remember.

So all of us have plenty of time to do that in the three months—yeah, the three months from December 14 through to March 19. I haven't yet heard from the government a commitment to return to this chamber on March 19. It seems to me we should get a whole lot of committee work done over the course of that three-month break, huh, Speaker? By all means, take off Christmas holidays, if that's your inclination.

*Interjections.*

**Mr. Kormos:** Well, if it is, feel free. If you don't want to be here Christmas day, God bless. As a matter of fact, you don't have to be here New Year's Day. Give it a week or two after New Year's Eve, and then we can start doing committees. We can do committees on Bill 140, long-term care. We could have committee hearings on Bill 107, the abolition of the Human Rights Commission.

**Ms. Martel:** Where is that bill?

**Mr. Kormos:** Ms. Martel asks where the bill is. Frighteningly, the bill is before subcommittee tomorrow. There are a lot of folks who want to speak to it—a lot of folks here in Toronto, up in Sudbury, up in aboriginal communities. We were up in Thunder Bay, weren't we? Folks from the native communities up in Kenora-Rainy River, that huge west northern Ontario riding, said, "Hey, what about us? Are we not part of Ontario?" That's what they were saying. The Minister of Natural Resources and aboriginal affairs will be very familiar with this. The aboriginal legal aid clinic—one legal aid clinic handles those two huge ridings of Kenora-Rainy River and Timmins-James Bay, one little legal aid clinic with a handful of staff and the most modest of budgets. They say, "What are you talking about, hiring lawyers to represent us in front of the tribunal? We don't even have government offices." The committee was very fair. The government members were very fair, weren't they, Ms. Elliott, in committing themselves to travelling to those



aboriginal communities, to those First Nations communities in northern Ontario.

We're not talking Bracebridge. When I was a kid, people down in Welland, the rich kids, would say, "We went up north for the summer." We didn't go anywhere for the summer. We didn't go anywhere in the winter, because we weren't rich. Where did they go? They went to a cottage in Huntsville, but that was up north. That's what they thought was up north, and fair enough, it was north, but if that's north, then Port Colborne is down south.

1730

Quite frankly, I travelled through the north several times as a university student on my way to work in different places. But it was only after I got here that I was able to go to places like the coastal regions of Timmins—James Bay with Gilles Bisson, the member for Timmins—James Bay—I know you've been up there too—and really had an opportunity to see the magnitude of the north.

No, no, you're not in Huntsville anymore, friends. You're in the north. You're on the James Bay coast, you're on the Hudson Bay coast, you're in some remote communities that are so isolated that it's hard for them to even think of themselves as Canadians, never mind Ontarians.

And the wintertime is a good time to get into those communities, isn't it, Miss Martel?

**Ms. Martel:** That's right.

**Mr. Kormos:** Because you've got the frozen terrain and access is enhanced—

**Ms. Martel:** On the winter road.

**Mr. Kormos:** —on the winter road. So during those three months, we can tour some of those northern communities with the justice committee on Bill 107. Then we can come back on March 19 and do third reading debate on bills the government wants to pursue, or we can do second reading debate on bills that the government won't have completed by December 14.

We're saying, "What's the rush here?" It seems there's a lot of House time available till the House prorogues, or rather, till the Premier asks for the writ to be dropped at the beginning of September next year. Is this government really going to sit idle for nine months and do nothing but a pre-election throne speech? I certainly hope not. That wouldn't be very responsible, would it? It wouldn't be responsible at all. And New Democrats are making it very clear that we're eager to engage.

Again, I'm grateful to Elliot Anderson from our research department for his material on this.

This proposition that one inspector could be empowered to investigate or enforce a number of different acts is convenient. Of course it's convenient, and of course there are economies involved. First of all, I want to find out why, and I'm sure we will—you're darned right we will in committee. I'm looking at section 9 of the bill, "Observing and disclosing." I hearken back—you understand this, as a former peace officer, conducting investigations as an immigration officer—to the plain

view doctrine; you understand it. If you're lawfully in a place and you see something that's evidence of a crime—the classic case so often is some marijuana on a counter or table—the fact that you didn't have a search warrant to enter that place for the purpose of looking for marijuana didn't preclude you from saying, "Whoops. Here we go."

That was back in the days when people got arrested for small amounts of marijuana. Who knows? Nobody seems to get arrested for small amounts anymore, do they? The Peel cops were drinking beer they had confiscated, not smoking the pot they had confiscated—well, you never can tell, out in those fields late at night.

I really am troubled by the purported need for section 9. In committee, I really want to have some clear understanding on the Hansard record of the extent to which limits are there now and why, from a pragmatic point of view, we need this legislation with section 9.

I've got real problems, and New Democrats have real problems, with these blended inspectors, these multi-inspectors, these mega-inspectors. I know, and other people here do too, a whole lot of inspectors I've met over the course of many years: OPSEU members, people working for MTO, people working for the Ministry of the Environment—right, Ms. Martel?—people working for the Ministry of Health, people working for the Ministry of Labour, liquor inspectors.

I wanted to make reference to Bill 152, the consumer protection bill, during the course of my comments on this bill today—it's still not printed—because it talks about liquor inspections. And this is precisely the point: The culture of licensed liquor establishments is totally different from the culture of industrial workplaces, is totally different from the culture of the MTO inspector who's dealing with mechanical fitness and overloaded vehicles—totally different. And I say we want to allow sufficiently trained and experienced members of these respective ministries and their investigative teams to develop the expertise, to compound on it and to be able to specialize—specialization.

We are, in my respectful submission, running the risk of undermining the inspection role by reducing it to the lowest common denominator. It would be like giving me a badge and saying, "Okay, go out there and inspect." It's not that they won't do their best to do it, but I'm insistent that they're going to miss things.

As one of the earlier commentators said, if somebody notices a potential environmental hazard when they're doing a labour inspection, there's surely no thinking person who's going to quarrel with the proposition that they should be allowed to report that to a Ministry of the Environment staff person so that a Ministry of the Environment inspector with his or her expertise can attend there and decide whether it should be shut down right away or it's something where there's simply a need for a compliance order and a time frame in which it is to be corrected. It's putting unfair onus on the labour inspector. A labour inspector doing labour inspections who sees what he believes may be an environmental issue doesn't want to shut down a workplace, doesn't



want to put people out of work for however many days it's going to take. They have to be shut down, and who could blame the labour inspector for erring on the side of caution?

So we have no quarrel with the proposition that there's got to be a connection, but we have strong concerns about the dilution of the expertise that's been developed.

Firefighters do inspections too. I promised some folks that I would do this for them because, you know, I come from down in Welland, in Niagara region—the Welland Professional Fire Fighters Association; Mr. Hudak knows them well.

**Mr. Tim Hudak (Erie–Lincoln):** They're good people.

**Mr. Kormos:** As a matter of fact, fire prevention through inspections and education has become as important a role for firefighters as is fire suppression. But the professional firefighters down in Niagara, like firefighters all over Ontario—but, I've got to tell you, with outstanding style in Welland—also participate and contribute to so many other things and causes. They raise huge amounts of money every year that they contribute to charity. This year, for the second year that I'm aware of, they've got the Welland Professional Fire Fighters Association 2007 calendar. This calendar is being sold for \$10 apiece.

Here, Ms. Martel. It's called Feel the Heat.

**Ms. Martel:** Oh, yeah. Okay.

**Mr. Kormos:** It's about firefighters putting out fires, so they're hot, right? But these firefighters seem to be cooling themselves off. Now the only disappointment, of course, is that my good friend Henry Labenski isn't in the calendar.

**Mr. Hudak:** He's in the calendar?

**Mr. Kormos:** He's not in the calendar, and I know Mr. Hudak is as disappointed as I am.

**Mr. Hudak:** I'll pay for a new one.

**Mr. Kormos:** Mr. Hudak interjects.

If there could only be a 13th month so that Henry Labenski, who is a lifelong friend of mine, could be in the calendar. We sorely miss him.

**Mr. Hudak:** Do December twice.

**Mr. Kormos:** Mr. Hudak suggests.

But these calendars—10 bucks apiece. I got one for Ms. Martel. As a matter of fact, it has been autographed by Andreas and by Pete.

**Ms. Martel:** I still want Henry.

**Mr. Kormos:** Ms. Martel wants Henry too. Ms. Martel knows Henry Labenski. Ms. Martel says she'd pay \$20 for a calendar that had Henry in it.

**Mr. Hudak:** What's Andreas's last name?

**Mr. Kormos:** They don't give their last names.

So if folks want a copy of the Feel the Heat Welland firefighters' calendar for the year 2007, featuring 12 of Welland's firefighters—

**Mr. Flynn:** I can't imagine anybody who wouldn't.

1740

**Mr. Kormos:** Well, Mr. Flynn—\$10. Kevin Flynn from Oakville—this will make a great Christmas gift.

Here you go, Ms. Martel. Would you hand that to Mr. Flynn? Mr. Flynn's already purchased one of the professional firefighters' calendars. I'll make sure the \$10 gets down to the Welland Professional Fire Fighters.

You can buy the calendar off the professional firefighters' website in Welland. You go to [www.wpffa.net](http://www.wpffa.net)—it's gotta be “net.” They're also going to be selling these at the Thorold trade show and fashion show at the Four Points Sheraton in Thorold on October 28 and 29. On November 14, they're at Sears in the mall, and on future dates they're going to be at the supermarket Zehrs on Niagara Street in Welland. They're going to be at the Seaway Mall. They're going to be at the Pen Centre. Also, if you simply go on the Welland Professional Fire Fighters Association website, you can order a calendar: only \$10, and they're contributing this money to Muscular Dystrophy Canada, Welland Hospital Foundation dialysis unit, Burn Camp for Kids in Ontario.

Mr. Hudak and I know these guys. They're just a tremendous group. They're very, very skilled professional firefighters. They've made themselves thoroughly transparent in this calendar. They're not hiding their personalities. They're exposing their professionalism to the world in this 2007 Welland Professional Fire Fighters calendar. So folks, you want the calendar? It's [www.wpffa.net](http://www.wpffa.net). I encourage people—or go down to the fire hall on King Street, the south end of Welland. They'll be pleased to fix you up. I just can't encourage you enough.

Mr. Flynn has purchased one. Ms. Martel has another one, autographed, as a gift from the Welland Professional Fire Fighters Association. I will convey your concerns about Henry Labenski on to Henry. Tim Hudak, I will convey your concerns. This gang already knows that I've offered to share a page with Henry.

**Ms. Martel:** No, no.

**Mr. Kormos:** We've been turned down over and over and over again, and I, just for the life of me, can't understand why. I do want to thank Kevin Flynn, the member from Oakville, for his purchase, for his support of the Welland Professional Fire Fighters. Their Feel the Heat Welland Professional Fire Fighters Association 2007 calendar is \$10, [www.wpffa.net](http://www.wpffa.net)—it's gotta be “net”—and you can buy one on the Internet.

New Democrats are eager to see this Bill 69 go to committee. I'm eager to hear Ms. Martel's contribution to the debate, should she have an opportunity this afternoon.

Did you want change for that, Mr. Flynn?

**Mr. Flynn:** I did.

**Mr. Kormos:** Who's got two \$10s? Have you got two \$10s?

**Ms. Martel:** I'll see what I can do.

**Mr. Kormos:** I'm eager to hear the government address the concerns around the multi-inspector and the dilution of the high skill level that's required of inspectors.

The other bottom-line issue is the volume of inspectors, the availability of inspectors, the fact that a whole lot



of workplaces, for instance, right off the bat are going uninspected, and we know the problems inherent in that.

We're also concerned, I have to tell you, about what happens to prosecutions. You've got provisions in here for heavier fines for second offenders—not inappropriate—but if you haven't got a courtroom to prosecute the matter in, all the fines in the world mean zip. Well, it's true. If you don't have the JPs, the justices of the peace, to sit in those courtrooms, and justices of the peace with the skills required to hear—these are some pretty complex prosecutions. You're not talking about going through a stop sign, most of the time, which, to be fair, is a pretty simple prosecution. You either did or you didn't, and the police officer either saw you stop or didn't see you stop. We're talking about pretty complex prosecutions. When you're prosecuting a big company for a Ministry of Labour prosecution or an environmental prosecution, they pull out all the stops. They've got the high-priced lawyers, they've got the experts, the engineers etc., and we've got prosecutors in these ministries—you know them, don't you?—who have case loads like this. They do. They've got files sitting this high on their desk. They've got a scarce number of investigators such that they've got to juggle the investigators when they're doing a prosecution in order to have investigators available in court for them. Then they run the risk of having charges stayed because of delay in prosecution.

So all of the fine potential in the world is going to do little if we haven't got the courtrooms to accommodate those prosecutions.

Now, Mr. Flynn has already shown typical generosity by giving away his calendar as a gift—to whom?

**Mr. Flynn:** I don't think she wants to be named.

**Mr. Kormos:** What's her first name?

**Mr. Flynn:** Lisetta.

**Mr. Kormos:** Lisetta, I'm going to explain to the fellas back at the Welland fire hall that—you say March? Okay, check out April, May, June. Is the title *Feel the Heat* appropriate, Lisetta? It is. She's feeling the heat. It is warm in here, isn't it, Lisetta? I've got to congratulate the Welland professional firefighters. Lisetta is feeling the heat, and we're 135 kilometres from Welland, and all for a mere \$10. We could turn the boiler room right off here at Queen's Park as long as there were enough of these calendars spread around. So, Lisetta, congratulations for now getting to know some of our Welland firefighters better, and in a way that you probably suspected you never would. I will convey to them your appreciation for their skill, professionalism and talents.

**Mrs. Carol Mitchell (Huron-Bruce):** Can she even get it signed?

**Mr. Kormos:** She got a signed one, yes. Folks, just feel free. As a matter of fact, you can call Pete Mazza at 905-714-1618. You don't have to go on the Internet. You can go on the Internet, [www.wpffa.net](http://www.wpffa.net), the Welland Professional Fire Fighters Association, or call Pete Mazza directly, 905-714-1618. Tell him how many calendars you want, and he'll get them to you. If I have

to pick them up on Friday down at the King Street fire hall, I'll bring back 20 or 30 of them, as many as folks want, because all the money is going to charity. All of the money is going to muscular dystrophy, it's going to the Burn Camp for Kids in Ontario and to the Welland Hospital Foundation, because we've got the new dialysis unit down there.

We're going to support this bill going to committee upon second reading. In fact, we're going to be adamant that it should. We've heard already the comments made by the member from Cambridge about some business concerns, retailers' concerns, small business people's concerns about the bill and the legislation. We're concerned about whether or not the bill effectively enhances the level of inspection.

You know, another reason I wanted Bill 152 to be able to refer to—and we haven't got it printed up yet. Lisetta, pay attention to the speeches, because you've got to make notes for the ministry. You're wrapped up in June, and it's just not—you've only got 10 more minutes. Just fold up June, put it aside and make notes for your ministry. Thanks for your attention, Lisetta. Obviously, the calendar is a distraction for Lisetta.

**1750**

We're concerned about maintaining the quality and, more importantly, improving the quality of inspections. A lot of Bill 152—because of course the government had a press conference that would have embarrassed John Baird. Remember John Baird dumping the pile of syringes on the table? Remember that? They had John Baird with a pile of syringes. Well, here they had the electrical cords disintegrating and going up in smoke and the lava lamps blowing up. It reminded me of Thomas Alva Edison. Edison, of course, had a proprietary interest in direct current electricity, as opposed to AC. It was the brilliant Serb Tesla who developed alternating current electricity. So it was a competition between the two forms of electricity and its distribution.

*Interjection.*

**Mr. Kormos:** Serbian. Be very, very careful, Mr. Flynn.

What Edison did, trying to discourage people from opting for the alternating current, was, he would show how dangerous it was; he would electrocute and kill animals at events in cities—this is true. This was at the turn of the century, the early 1900s. Edison would take dogs and cats and pigs and electrocute them, and they'd die. I think it was in Chicago when he literally electrocuted and killed an elephant with alternating current to demonstrate how—to create fear among the American public about alternating current. Again, this is unfettered capitalism, my friends. This was free enterprise at its finest.

*Interjection.*

**Mr. Kormos:** Mr. Hudak interjects. So when I saw the press conference of Minister Phillips and these electrical cords that blew up and these volcanic lava lamps that sputtered, I thought of Edison and his fear campaign—

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Are you speaking to the bill?

**Mr. Kormos:** Yes—where he was clipping alligator clamps to elephants' ears, electrocuting them in public spectacles as part of a fear campaign.

**Ms. Martel:** That's terrible.

**Mr. Kormos:** I'm not saying it was good; I'm just saying he did it, for Pete's sake.

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** That's awful.

**Mr. Kormos:** Ms. Van Bommel says it was awful. You raise chickens. What do you do with them? Keep them as pets, for Pete's sake? You don't just kill them; you eat them. So please—nobody ate the elephant; he just killed it. It was Thomas Alva Edison. I didn't do it. We're not even related. I never knew him. But this is what Edison did: He went around electrocuting animals with alternating current to promote his own DC current, and of course he lost that campaign.

Edison also brilliantly said, "Nothing is worth researching for the purpose of inventing unless you can make money from it." He was not a benign, altruistic inventor.

*Interjection.*

**Mr. Kormos:** He was not a benign member. So I have to tell you, this, Speaker, has been one of my most pleasurable hours in the chamber. I'm ready now. I'm just—

**Ms. Martel:** Aren't you speaking tonight?

**Mr. Kormos:** I'm back at 6:45, yes, on Bill 28. But no, I feel I've done it all now. I've dedicated an hour to Bill 69, I've promoted the Welland Professional Fire Fighters fundraising calendar, I've promoted Martin Gilbert's new biography of Winston Churchill, I hope I've had some impact on ensuring Canadian spelling in bills with reference to the word "e-mail" and I've touted Anne Stilman's book, entitled *Grammatically Correct: The Writer's Guide to Punctuation, Spelling, Style, Usage, and Grammar*. I thank you kindly for your patience, Speaker. I look forward to the balance of the debate.

**The Acting Speaker:** It is that time of the evening when we are either going to be five minutes early or five minutes late. The prerogative of the Chair is that I think it's close enough to 6 o'clock. We will recess until 6:45.

*The House adjourned at 1755.*

*Evening meeting reported in volume B.*



# CONTENTS

Wednesday 25 October 2006

## MEMBERS' STATEMENTS

<b>Toronto Expo 2015</b>	
Mr. Arnott .....	5735
<b>Government's record</b>	
Mr. Crozier .....	5735
<b>Long-term care</b>	
Ms. MacLeod .....	5735
<b>Marianne's Place</b>	
Ms. Horwath .....	5736
<b>Hospital funding</b>	
Mrs. Jeffrey .....	5736
<b>Report, Office of the Integrity Commissioner</b>	
Mr. Runciman .....	5736
<b>Child care</b>	
Mr. Oraziatti .....	5737
<b>Progressive Conservative Party</b>	
Mr. Brownell .....	5737
Mr. Duguid .....	5737

## MOTIONS

<b>Committee sittings</b>	
Mr. Bradley .....	5738
Agreed to .....	5738
<b>House sittings</b>	
Mr. Bradley .....	5738
Agreed to .....	5738

## ORAL QUESTIONS

<b>Ontario Lottery and Gaming Corp.</b>	
Mr. Runciman .....	5738
Mr. Caplan .....	5739, 5746
Mr. Kormos .....	5746
<b>Ontario economy</b>	
Mr. Hudak .....	5739
Mr. Sorbara .....	5740
Mr. Hampton .....	5740
<b>Health care</b>	
Mr. Hampton .....	5741
Mr. Smitherman .....	5741
<b>Native land dispute</b>	
Mr. Dunlop .....	5742
Mr. Kwinter .....	5742
<b>Affordable housing</b>	
Ms. DiNovo .....	5742
Mr. Sorbara .....	5742
Mr. Gerretsen .....	5743

## Water quality

Mr. McMeekin .....	5743
Ms. Broten .....	5743
Mr. Bisson .....	5744
Mr. Ramsay .....	5744

## Mental health services

Mrs. Witmer .....	5744
Mrs. Chambers .....	5744

## Renewable energy

Mrs. Mitchell .....	5745
Mr. Duncan .....	5745

## Tobacco smuggling

Mr. Sterling .....	5745
Mr. Watson .....	5746

## Health promotion

Mr. Wilkinson .....	5747
Mr. Watson .....	5747

## PETITIONS

### Highway 26

Mr. Wilson .....	5747
------------------	------

### Immigrants' skills

Mr. Delaney .....	5748
Mr. Berardinetti .....	5749

### Property rights

Mr. O'Toole .....	5748
-------------------	------

### Long-term care

Ms. Horwath .....	5748, 5750
Mr. Wilson .....	5750

### Fair access to professions

Mr. Qaadri .....	5749, 5750
------------------	------------

### Landfill

Mr. Sterling .....	5749
--------------------	------

### Social assistance

Ms. Horwath .....	5749
-------------------	------

## SECOND READINGS

### Regulatory Modernization Act, 2006, Bill 69, Mr. Peters

Mr. Peters .....	5750, 5756, 5762
Mr. Racco .....	5753
Mr. O'Toole .....	5755, 5762
Ms. Martel .....	5755, 5762
Mr. Berardinetti .....	5755
Mr. Martiniuk .....	5756, 5763
Mr. Kormos .....	5761, 5763
Debate deemed adjourned .....	5771

## OTHER BUSINESS

### Visitors

Mr. Sergio .....	5738
Ms. DiNovo .....	5738
Ms. Horwath .....	5738
Mr. Dunlop .....	5747

### Wearing of ribbons

Mr. O'Toole .....	5738
-------------------	------

### Report, Office of the Integrity Commissioner

The Speaker .....	5738
-------------------	------

### Ontario legislative quilt

Mr. Wilkinson .....	5747
---------------------	------

## TABLE DES MATIÈRES

Mercredi 25 octobre 2006

## DEUXIÈME LECTURE

### Loi de 2006 sur la modernisation de la réglementation,

projet de loi 69, M. Peters

Débat présumé ajourné ..... 5771



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Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
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Greffier  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

Wednesday 25 October 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Mercredi 25 octobre 2006

*The House met at 1845.*

## ORDERS OF THE DAY

### MANDATORY BLOOD TESTING ACT, 2006

### LOI DE 2006 SUR LE DÉPISTAGE OBLIGATOIRE PAR TEST SANGUIN

Resuming the debate adjourned on June 13, 2006, on a motion for second reading of Bill 28, An Act to require the taking and analysing of blood samples to protect victims of crime, emergency service workers, good Samaritans and other persons and to make consequential amendments to the Health Care Consent Act, 1996 and the Health Protection and Promotion Act / Projet de loi 28, Loi exigeant le prélèvement et l'analyse d'échantillons de sang afin de protéger les victimes d'actes criminels, le personnel des services d'urgence, les bons samaritains et d'autres personnes et apportant des modifications corrélatives à la Loi de 1996 sur le consentement aux soins de santé et à la Loi sur la protection et la promotion de la santé.

**The Deputy Speaker (Mr. Bruce Crozier):** The member for Niagara Centre.

**Mr. Peter Kormos (Niagara Centre):** Thank you kindly, Mr. Speaker.

**Mr. Bas Balkissoon (Scarborough—Rouge River):** On a point of order, Mr. Speaker: With your consent, I'd like to recognize Mr. Bruce Miller, the chief administrative officer of the Police Association of Ontario, who is a stakeholder in this particular bill and is here to observe the debate.

**The Deputy Speaker:** That's not a point of order, but we certainly welcome him because he has a seat here with his name on it, I think. Mr. Kormos.

**Mr. Kormos:** I was impressed. I had risen and not said a word. I thought somebody was already going to object to something I had said, and I hadn't said anything. It might have been a pre-emptive point of order, an anticipatory point of order. The member from Scarborough—Rouge River told me he was going to do that, and I of course had no quarrel whatsoever.

Look, we all take every opportunity we can to suck up to the police association. It's a given. Come on, friends. It's a given. Mr. Balkissoon did it today in his own right and perhaps on behalf of his colleagues. But it does you

no good. I want you to know that. You can pull out all the PAO trinkets you've got when you're pulled over going through a stop sign, you could just have the decals and business cards laying all over the passenger seat, and it doesn't count at all.

So, at the end of the day, here we are back to Bill 28. My goodness, I have such a short period of time. Yeah, this is good legislation. It's remarkable that it's been almost a year now. It was November 2005 when this bill was introduced for first reading. I recall the day it was introduced. I recall making it clear that New Democrats supported the proposition, that it had to go to committee to make sure the government got it right this time, because what it is is a cleanup of the original bill.

To be very fair, it was Garfield Dunlop, the member for Simcoe North, who initiated this whole proposition as private member's public business. Again, there was a whole lot of concern about it. I think that concern has been addressed and resolved. It's about the right of any worker, especially front-line workers, these emergency response personnel, be they police, firefighters, paramedics—Lord knows, we saw them do stellar work—didn't we, Mr. Bradley, the member for St. Catharines?—down in Port Colborne and Fort Erie during the recent power outage, during the crisis there. They're there to save lives and protect public safety.

Yes, they have a right to protect themselves against communicable diseases—end of story. If somebody bleeds all over them or expels bodily fluids on to them that could communicate these diseases, I agree with the proposition that they've got a right to know whether or not I've infected them with whatever they might have been infected with, and the safest and fastest way to do that, to ensure that those firefighters, police officers, paramedics can be treated properly, is to make sure that the person submits to testing and clears the record.

**1850**

New Democrats have no quarrel with the bill whatsoever. Again, I'm frustrated with the fact that the government's been dragging its heels on this for almost a year now. We had commenced second reading—Ms. DiNovo, you weren't even elected yet. The bill was introduced November 2005. The government does nothing until June. It calls the bill. I don't even get to complete my lead. I'm completing it now. Then it waits—what?—six more months for wrapping up second reading debate, when people say, "We want this to get to committee"? We want it to get to committee. Well, we've been pleading with the government. We've been exhort-



ing the government to get this bill into committee so it can be dealt with and then brought back for third reading so that firefighters, police officers, paramedics and others who put themselves at risk to save other people's lives can be protected.

So here we go, and I tell you, Ms. DiNovo is going to speak to it tonight. I'm looking forward to her comments, but here we go. I tell you, we're not putting up any other speakers tonight. That's it. If you people want to filibuster it, prolong the bill—well, you have. You've dragged it out for almost a year now. You've dragged it out for almost a year. If you want to drag it out longer, there's no way I can stop you, but I'm telling you, New Democrats are adamant that this bill receive second reading vote today and that it go to committee. Shame on you if you should try to prolong this bill any further at the second reading stage. You've already spent darned near a year on it. Shame on you if you prolong it any further.

**The Deputy Speaker:** Questions and comments? Further debate?

**Mr. John O'Toole (Durham):** There are a few comments, as the member from Niagara Centre has said, and you have to hearken back to how long this bill has actually been before the House, because it was introduced by Minister Kwinter back on November 15. One would still have to ask the question: How long is enough time to bring it forward for debate? It is up to the House leaders to decide these sorts of things.

I have to recall the work that has been done already on this by the member from Simcoe North, Garfield Dunlop. I almost have to pause and reflect for a moment on how passionate the member from Simcoe North is and continues to be about this bill.

Our position would be quickly summarized by saying that we obviously have general support of the bill. Hopefully they streamline the important initiative passed by the PC government to help community safety workers deal with unique situations, and that's really where the tire hits the pavement.

Quite frankly, there are issues that we need to have public input on. Disclosure, privacy, personal protection, implied consent and those sorts of issues are sort of legal terms. First responders to, for instance, an accident or an emergency situation need protection from liability, from victims whom they may be, in all best interests, trying to protect—who, in the long term, may have things that they don't want to disclose. Certainly, blood testing is an issue that all of us would probably have strong opinions on. We are dealing with first responders, and I think this bill is important under the Health Protection and Promotion Act.

"A person who came into contact with a bodily substance of another person in certain situations set out in or prescribed under the act may apply to a medical officer of health to have the blood of the other person analyzed for viruses that cause certain communicable diseases. Under the current regulations under the act, the medical officer of health may take seven days attempting

to get a blood sample or other evidence of seropositivity voluntarily"—and this is important—"from the person." So that's the first resolution that must be found.

"If the medical officer of health fails to obtain a blood sample voluntarily"—this is the issue here—"he or she may order that person to provide a blood sample for analysis, with or without first holding a hearing, and without notice to the person who will be subject to the order. The medical officer of health's decision may be appealed to the chief medical officer of health or the Health Services Appeal and Review Board."

That, in essence, is really where you get into the technicalities of why these bills need to have hearings, to make sure that we don't infringe on people's rights while protecting public rights. These are things best resolved.

When our member Garfield Dunlop from Simcoe North brought Bill 105 forward for third reading—a vote of 80 to 2; only a couple of members voted against it. We are entitled to have free votes on private members' bills, which is interesting. They should all be free votes, but I guess we have to deal with that at another time, under democratic renewal.

Bill 28 is intended to enable police officers, other safety workers and victims of crime—this is important; victims of crime often are the neglected entity. But most important are the front-line service providers. I think I say this without trying to provoke responses: Police, fire and ambulance people, as part of their duty of service to their fellow man, need to have the security of protection. That's why we are 99.9% in support of the bill—and not in any way delay, as the member for Niagara Centre might feign to be.

The current time for the processes to be completed would be interrupted for up to seven to 19 days. I think sometimes we have to put a priority on these things, because it could be someone's life: the victim or the first responder. I had a son in the armed forces who was involved in things that—perhaps those people defending country or community put themselves and their families at risk, and we need to do everything in our power to protect that and respect that.

The bill shortens the length of time the process takes from application to order, and transfers the power to make an order from a medical officer of health to the Consent and Capacity Board. Under the bill, a person will still apply to a medical officer of health to have the blood of another person analyzed for a virus, under the health act. The medical officer of health is empowered to request a blood sample for analysis or other evidence of seropositivity. If the person is requested to provide a blood sample or other evidence and does not provide it voluntarily within two days after the request is made, the medical officer of health must refer the application to the Consent and Capacity Board. So there is a process here.

I think I need to put those things on the record, respecting, first, our member for Simcoe North, Garfield Dunlop; and the will of this House under a free vote of 80 to 2, where it was supported. The member for Niagara Centre mentioned that this has been before us for over a



year—November 15, 2005—by Minister Kwinter. We'd like to get on with doing the business of the House.

With that, on behalf of John Tory and Garfield Dunlop, who is very much in ownership of this, I respectfully submit those comments as our observations on Bill 28.

**The Deputy Speaker:** Questions and comments? Further debate?

**Ms. Cheri DiNovo (Parkdale–High Park):** I've shared with this House before that my husband was a member of the Kitchener-Waterloo force and in that capacity had a couple of close calls himself, which this bill would certainly have helped to ameliorate in terms of the total and, of course, all-encompassing fear that one has when one is in contact with sera that are questionable, and also in a situation where you're asked to decide whether to be a good Samaritan or not and have to make that call. So I think of him as I speak.

I also had the pleasure last week of hearing one of our great Canadians, a great general, a great military man and a great humanitarian, Roméo Dallaire. He shared a story from his experience in Rwanda. The story was this: He, as we all know, was in charge of a United Nations force there. It represented troops from various countries around the world, and they went in one of the killing fields. In this particular killing field was a group of young women who had been raped and tortured, were in various stages of dying and had been literally shovelled into a pit. It then came down to General Dallaire and his troops to decide whether they were going to jump into this pit to help these women or not, keeping in mind that the backdrop of this is that a good third of them were probably HIV-positive.

1900

General Dallaire recounts the story, saying that he talked to troops from various countries about what they thought was acceptable risk, whether it was better, with the forces they had, to risk the life and safety of the troops, since these women would probably die anyway, or to jump in and try to help. He said that most of the forces of the world decided to walk on by, but he said he was particularly proud that the Canadian Forces there decided without hesitation that they would help, and they did, at great risk to themselves.

I think this bill behooves us, as Canadians, to uphold the role we have internationally, nationally and provincially as good Samaritans for the world. So, as New Democrats, we support this bill.

I also support this bill because, in my riding of Parkdale–High Park, I represent police, firefighters, paramedics, nurses, health care workers, correctional workers and also social workers, seniors, teachers, parents, children themselves, all of whom might be at risk if they help someone who might have HIV/AIDS or Hepatitis B or C. Again, I draw attention to the families of these good Samaritans and how they must suffer and wait, and that's why this bill was brought in.

I certainly give a nod to our honourable member Mr. Dunlop, who brought in the original bill. We remember 105 as a private member's bill that was enacted in 2003.

Now that we've lived and worked with that act for a while, clearly there are some additions and amendments that need to be made, and that's what Bill 28 does.

I just draw the House's attention to some of those problems. These are problems, of course, in the enactment of this bill, one of them being that medical officers of health are put in a somewhat conflicted role. They've expressed serious reservation about having the responsibility to order persons to provide blood samples. They believe this is inconsistent with their job as physicians. So they've suggested, among others, that this go to another body. What this bill suggests is that it go to the Consent and Capacity Board.

We've also heard, over the course of the years this bill has been in force, from other folk in the community about the length of time it takes, and this is horrendous. It's horrendous that it could take over three months to get a sample analyzed. Imagine again the families, those concerned, having to wait in fearful anticipation of what that result will be.

Also, of course, there are serious concerns about privacy in asking for an order for mandatory blood testing. All of those, hopefully, have been taken into account with Bill 28.

I want to draw the House's attention to another bill that was also brought in in November 2005. Shelley Martel, our honourable member from Nickel Belt, brought in a bill about safe needles, called the Safe Needles Save Lives Act. It will be introduced again at a press conference next week. We may not be aware that 33,000 health care workers suffer needle-stick injuries every year and that it costs the taxpayer over \$60 million to deal with those, when it could be very easily dealt with.

In 2001, the federal Needlestick Safety and Prevention Act came into effect in the United States. Recent data indicate that the US law actually works. In an article published in 2003, researchers at the University of Virginia's International Health Care Worker Safety Center compared needle-stick injuries among nurses prior to and after passage of the law, and the results were dramatic. With only one quarter of workplaces in compliance with the new law, there was a 51% reduction in injuries.

How does this bill work? We now have safety-engineered medical sharps that are available to replace conventional devices, and they cost on average only pennies more than existing sharps. In the acute health care sector alone, an estimated \$4 million would be saved through this conversion process.

The honourable member Ms. Martel is bringing in this bill. I hope it gets even a quarter as much attention as the bill before us, Bill 28, because certainly that will also help make the lives of all those good Samaritans in Canada—of course, I draw your attention to those who do this for a living: police, firefighters, paramedics, nurses, health care workers of all sorts, corrections workers. Again, this is a real concern.

As New Democrats, we had a concern that stakeholders' input be there, and that the process to pass this bill be transparent and also accountable to them, the ones



whose lives it's going to affect the most. So this is where the committee comes in, and we hope, of course, that it goes to committee as soon as possible.

I just wanted to use a few minutes to talk about the process itself. You heard our honourable member Mr. Kormos talk about how long it's taken to get to this point. One has to ask oneself—a majority government, a nine-page bill introduced a year ago. One wonders how many families have spent sleepless nights over the course of that year, how many individuals wondering when that sample's going to come back and how it's going to test, when this bill could have been passed a long time ago.

It also points to another process question: how private members' bills are dealt with at all. We have two hours on Thursday morning, and certainly a lot of creativity is clearly enacted in private members' bills. We see that Mr. Dunlop himself, who initiated this whole process back in 2001, introduced it as a private member's bill. I've just discussed Ms. Martel's bill and the impact that could have, and one hopes that this bill gets a fair hearing so that lives can be saved. But one has to ask oneself, when it takes a majority government a year to bring in their own bill, what chance does Ms. Martel's bill, or any other bill, have to express the need and the will of the citizenry in this province? Again, we're not talking about something unimportant here, we're talking about lives. We're talking about the lives of those good Samaritans, and the value of those lives of those good Samaritans.

So do we support Bill 28? Of course we do. We've supported it since the beginning. We wish it had passed a long time ago. We wish that we'd save families countless hours of worry and concern. Do we support it? Of course we do. We'd love to see it go to committee as soon as

possible. I'd also like to see Ms. Martel's bill about safe needles saving lives get a fair hearing and some attention and, ultimately, be passed into law.

With that, I won't take any more of the House's time. Clearly we have done too much of that already on this bill. I was reading Hansard and, much to my amusement, discovered that much was discussed the last time this bill was brought forward, and little of it had to do with Bill 28. So I will spare the House that and will cede my time. Let's pass the bill, let's pass it fast, and let's also give Ms. Martel's bill some time of day as well.

**The Deputy Speaker:** Questions and comments? Further debate? Does any other member wish to speak?

Mr. Kwinter has moved second reading of Bill 28. Is it the pleasure of the House that the motion carry? Carried.

Shall the bill be ordered for third reading?

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** I'd like the bill referred to the committee on regulations and private bills.

**The Deputy Speaker:** The bill shall therefore be referred to the committee on regulations and private bills.

**Hon. Mr. Bradley:** I move adjournment of the House.

**The Deputy Speaker:** The government House leader has moved adjournment of the House. Is it the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it.

This House is adjourned until 10 of the clock tomorrow morning.

*The House adjourned at 1909.*

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## CONTENTS

Wednesday 25 October 2006

### SECOND READINGS

#### Mandatory Blood Testing Act, 2006,

Bill 28, *Mr. Kwinter*

Mr. Kormos ..... 5773

Mr. O'Toole ..... 5774

Ms. DiNovo ..... 5775

Agreed to ..... 5776

## TABLE DES MATIÈRES

Mercredi 25 octobre 2006

### DEUXIÈME LECTURE

#### Loi de 2006 sur le dépistage obligatoire par test sanguin,

projet de loi 28, *M. Kwinter*

Adoptée..... 5776



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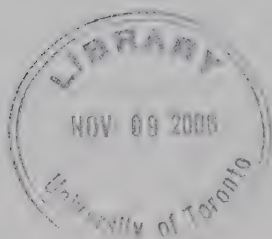
Deuxième session, 38<sup>e</sup> législature

# Official Report of Debates (Hansard)

# Journal des débats (Hansard)

Thursday 26 October 2006

Jeudi 26 octobre 2006



Speaker  
Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

Clerk  
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# LEGISLATIVE ASSEMBLY OF ONTARIO

Thursday 26 October 2006

# ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Jeudi 26 octobre 2006

*The House met at 1000.  
Prayers.*

## PRIVATE MEMBERS' PUBLIC BUSINESS

### TRANSCANADA HIGHWAY IMPROVEMENT ACT (HIGHWAY 17), 2006

LOI DE 2006

### SUR L'AMÉLIORATION DE L'AUTOROUTE TRANSCANADIENNE (ROUTE 17)

Mr. Orazietti moved second reading of the following bill:

Bill 149, An Act respecting the improvement of Highway 17, part of the TransCanada Highway / Projet de loi 149, Loi ayant trait à l'amélioration de la route 17, qui fait partie de l'autoroute transcanadienne.

**The Deputy Speaker (Mr. Bruce Crozier):** Pursuant to standing order 96, Mr. Orazietti, you have up to 10 minutes.

**Mr. David Orazietti (Sault Ste. Marie):** I am pleased to enter into debate on Bill 149, the TransCanada Highway Improvement Act, referring to the Highway 17 portion of the Trans-Canada across northern Ontario, because it's incredibly important to thousands of people in northern Ontario and, if passed, will have very real benefits for the entire province.

Bill 149 proposes federal-provincial discussions for the development of a plan for the improvement of the Highway 17 portion of the Trans-Canada Highway to enhance the regional economy and improve public safety. The plan should include not only designated areas to be four-laned but other improvements such as additional passing lanes, paved shoulders, rest stops, and what are referred to as rumble strips, the indented pattern of asphalt on the side of the road that helps to alert drivers when they are too close to the shoulder of the road. This has proven to save lives.

An equally important part of the bill is the implementation process, which requires the plan to contain a cost sharing agreement between the Ontario government and the government of Canada. In the time that I have this morning, my comments will focus on why this bill is important to northern Ontarians and to the province as a whole and why the federal government should play a role in supporting these improvements. While we all know that highways are a provincial responsibility, there is

substantial historical precedent when it comes to those links in Ontario, and in all provinces for that matter. That says the federal government, in the context of national interest, is at the table, and I'll elaborate on this later.

In particular, I want to talk about the economic importance of the Trans-Canada, the importance of improving safety, accessing services, and the cost sharing component of the bill.

First, I think it's probably helpful to clarify a few important facts about the Trans-Canada. The Trans-Canada Highway is the world's longest national road, extending 7,821 kilometres from Victoria to St. John's. On October 25, 1949, almost 57 years ago to the day, the Trans-Canada Highway bill was introduced in the House of Commons and said that the government of Canada would pay 50% of the cost of new construction. The highway was officially opened in 1962 by Prime Minister John Diefenbaker, although it wasn't completed until 1971. The total length of the Trans-Canada Highway 17 portion from the Manitoba border to Quebec through Ontario is 2,081 kilometres, and of that portion, only 191 kilometres, or about 10%, is four-laned.

If you compare this to New Brunswick, 80% of the Trans-Canada is four-laned, and it's expected to be fully completed by November 1, 2007. In the province of Saskatchewan, 91% of the highway is four-laned, and the entire section is expected to be completed in 2007. In Manitoba, 90% of the highway is four-laned, and construction is ongoing to complete the four-laning. In Quebec, nearly the entire Trans-Canada Highway from the Ontario border to the New Brunswick border is four-laned. The point is, the longest section of un-four-laned Trans-Canada Highway is in northern Ontario, and it's a section of the Trans-Canada that helps to link the entire country.

One of the primary reasons for introducing the bill, certainly of significant concern to all constituents across this province, is safety. While Ontario has the safest roads in North America, even one collision, one fatality, is too many. Regrettably, people are dying on this highway. Every year there's an average of 488 accidents, with 839 people injured, on the Trans-Canada. Even more unfortunate, an average of 39 people lose their lives each year. As anybody who has driven it will tell you, when you combine some of the heaviest snowfall in Ontario with oncoming traffic and unpaved shoulders, there's not much of a margin for error and you certainly increase the risk of an accident.

In addition, as members of this House know, there are many health services, as an example, that are concen-



trated in two regional centres in northern Ontario, Thunder Bay and Sudbury, and if you can't get the services there, you may need to travel to Toronto, London or Ottawa. The difference is that the distances are much greater, so the cost is much greater to residents. Even in Sault Ste. Marie, which has better access to health care than many other northern communities, being on the Trans-Canada, residents, many of whom are elderly, travel three hours to receive radiation therapy in Sudbury on what is mostly a two-lane highway. It's like saying to someone, depending on where you live in the GTA, "You'll receive your radiation therapy in Kingston or Windsor."

My vision for the north is to see a much more modernized Trans-Canada Highway with improved safety measures outlined in this bill that will ultimately lead to a four-lane divided highway. To achieve this, what we really need is a much greater level of federal involvement.

Another important reason for introducing this bill is to support and expand the economy of northern Ontario, which benefits us all. Each year, 342,000 commercial trips are taken across Highway 17. That's an average of 938 trips a day shipping valuable consumer goods and commodities that are vital to the north and the province. The annual value of goods travelling across Highway 17 is over \$1.2 billion worth of forestry products alone, and up to \$14 million a day of furniture, pulp and paper, lumber and other products. In the mining sector, almost \$1.5 billion worth of metals and minerals travel across our highway in the north, the Trans-Canada. During high volumes, there's almost \$12 million a day being moved on the Trans-Canada of those goods alone. Nine billion dollars worth of manufacturing products are also shipped on 17. On high-volume days, it's almost \$7.5 million.

Major companies such as Algoma Steel, St. Marys Paper, Flakeboard and Tenaris in my riding of Sault Ste. Marie contribute significantly to the volumes of goods on our highways and to our economies. Some \$1.4 billion worth of transportation products in terms of vehicles that Ontarians drive are shipped across Highway 17 in northern Ontario.

It's clear that the Highway 17 portion of the Trans-Canada is a vital economic link, not only for northern Ontarians but for all Ontarians and for Canadians. Recently, the federal government announced millions of dollars for a new container ship port in Prince Rupert. This is a positive infrastructure development step. The port is being built to take advantage of the expected 10% annual increase in container cargo shipments expected to reach North America from Pacific Rim countries. In fact, China's exports to North America are expected to double by 2020.

**1010**

The new infrastructure in Prince Rupert represents tremendous prospects for Canada and certainly northern Ontario. We need to increase our capacity on our highways to take advantage of these new opportunities. We know that border congestion in Ontario costs us over

\$5 billion a year. Places like Sault Ste. Marie, on an under-utilized border crossing with increased east-west shipments, are well positioned to handle this growth. The Trans-Canada improvements are critical.

The question is, how many more businesses, how many more job opportunities, how much more would be contributed to the province's economy with improvements to the Trans-Canada Highway in northern Ontario? I would suggest it's substantial.

The final aspect of the bill I want to discuss today is the cost sharing aspect. The original Trans-Canada Highway Act, introduced in 1949, prescribed that the government of Canada and provincial governments would share in the costs of constructing a national highway. The bill stated that the federal government would reimburse the provinces for 50% of the cost for any portion built between 1928 and the date of the legislation, which was 1950. The federal funding actually recognized previously incurred costs by the province, and the government of Canada mandated that 50% of future costs would also be paid for.

Federal contributions to our country's major highways continue today through SHIP, the strategic highway infrastructure program, but it's well below the historic level of support. The SHIP agreement has provided \$485 million throughout Canada since 2001. In comparison, our government has committed \$843 million on northern highways alone since 2004-05. A study done by the Canadian Automobile Association found that the federal government currently only pays for 7% of Trans-Canada Highway improvements, a far cry from the historic 50%.

Similar examples could be cited when it comes to the US interstate system. We know that post-World War II, the development of interstate highways in the US led to considerable economic growth in many states. Here in Canada, provincial governments are responsible for design, safety and construction, and financial support is very limited from the federal government.

We can probably draw a parallel with the Canada Health Act. Where we have expected a 50-50 cost sharing agreement, we know that the federal government has not lived up to that and it falls well below what's expected by Ontarians. It seems unbalanced, given the fact they recently posted a \$13.2-billion surplus, 30% to 40% of which is money paid by Ontario taxpayers. It's time for the federal government to stop running away from the fiscal gap and its historic commitments and start funding projects that matter to people in the province of Ontario, like the Highway 17 portion of the Trans-Canada Highway.

Businesses and industry will not build our roads, but they will come to the north in greater numbers if they are built. There are some things that everyone expects will be addressed by government, and improvements to the Trans-Canada Highway in northern Ontario is one of them.

I want to encourage members in the House today to support this bill, a bill that has the potential to bring much-needed improvements to northern Ontario infra-



structure, a bill that improves safety and supports Ontario's economy.

I will be sharing our caucus time with the hard-working members from Stormont-Dundas-Charlottenburgh, Ottawa-Orléans and Nipissing, who are supporters of this bill.

I also want to thank Fiona Watson from the legislative research branch for helping provide such important information.

**The Deputy Speaker:** Further debate?

**Mr. Norm Miller (Parry Sound-Muskoka):** It's my pleasure to add some comments today on the private member's bill from the member for Sault Ste. Marie, Bill 149, An Act respecting the improvement of Highway 17, part of the Trans-Canada Highway. Certainly I and John Tory and the Ontario PCs understand the importance of infrastructure improvements, particularly improving Highway 17 in the north. But the member from Sault Ste. Marie is a member of the government, and this private member's bill is completely unnecessary. He doesn't need a private member's bill to make a plan to upgrade Highway 17; he's a member of the current government.

I note in the bill, in the section "Implementation of plan," it states, "Implementation of the plan shall begin within five years of its adoption"—five years. I say that this bill is more about making it look like the member is doing something in supporting improving Highway 17 than it is about actual action.

I had the opportunity to drive most of northern Ontario, going up Highway 17 and back on Highway 11, a couple of years ago. When I stopped in Thunder Bay, the main issue when I met with the chamber of commerce and stopped in the cancer clinic was the fact that, where Highway 11 and 17 are one highway from Nipigon to Shabaqua Corners, there had been major concerns about shutdowns. I think they said that that year they'd had 100 shutdowns of the highway, with concerns about safety. It is something that very much needs to be done.

I also note that on that trip I stopped in Red Rock, just east of Thunder Bay, and heard from the mill manager about all the challenges they were facing. This was a couple of years ago. Unfortunately, that mill has in fact now closed. Obviously, the government didn't listen to the forestry sector and make the necessary improvements to delivered-wood costs and energy costs in that sector.

As I say, this bill is more about making it look like the member and the government are interested in this. He is a member of the government; he doesn't need a private member's bill to start to make plans to improve Highway 17.

I happen to have the Minister of Northern Development and Mines' notes from April 2003: "However, the ministry has also advanced the Shabaqua project in portions of the Thunder Bay-Nipigon corridor for consideration under the joint Canada-Ontario highway programs. In the interim, MTO is focusing on developing future reconstruction projects with adding passing lanes, paved shoulders and other improvements through the

Highway 11-17 corridor"—exactly what the member is talking about.

What I will support the member on is that I do believe it's important to involve the federal government in four-laning and improving Highway 17 and Highway 11 across northern Ontario. I very much believe that there is a significant role for the federal government in that. However, as I say, it's totally unnecessary to have a private member's bill to accomplish that, absolutely unnecessary. I do support involving the federal government, but this private member's bill is unnecessary.

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** It's certainly a pleasure for me to stand today to support my good friend from Sault Ste. Marie on his bill, Bill 149, the TransCanada Highway Improvement Act (Highway 17).

The member has been a strong advocate for his citizens from the north, from his riding of Sault Ste. Marie, and I think this is just one more example. A comment was made: "Why is the member doing this? Why is this needed now?" First of all, the member is always advocating for his people. He understands the issues, he understands what's required, and he understands that good modes of transportation in his riding are important for the economy, important for tourists and important for people just getting around the riding and the surrounding ridings. He understands the importance of upgrading Highway 17. He knows that for public safety and for economic growth, it's important.

He also knows that it's a part of the Trans-Canada Highway that has been neglected in the past. He pointed out that 7% of the costs are presently being borne by the federal government, whereas at one time it was to be a 50-50 cost sharing arrangement. If it was 50-50, it should be 50-50, but we have seen downloading in the past; we have seen that at the provincial level. I was in municipal politics and saw that happen. I'm here.

Mr. Oraziotti, the member for Sault Ste. Marie, has indicated to us that this 50-50 arrangement is now very unfair. When you have the need for passing lanes, the need for rumble strips for security, for rest stops, for example—all of these are ideas to put in place the need to support public safety opportunities along that section of the highway.

1020

The member pointed out many reasons with regard to the economy of the north. I have never travelled that part of the Trans-Canada in his area, but I certainly have travelled other areas of the Trans-Canada. I've seen trans-ports; I've seen the moving of goods and commodities across the country. He has pointed out many examples—the forestry industry, metal and minerals, manufacturing, the moving of vehicles, transportation and whatnot—all requiring an upgrade to that section of Highway 17. Certainly, anybody travelling in the area would know that with the width of that highway—if we have it in other parts of the province where you have four-lane goods moving very freely, and you get to this area where there today is a bottleneck—we do need, and I think the



member pointed it out very clearly, to enhance those opportunities for construction.

He also pointed out the need with regard to safety, the fatalities, and certainly there has been an average of 31 fatal accidents per year, giving fatalities in the area of about 40. With improvements to the safety of that highway, I think we will see those numbers come down.

The member indicated too that with the surplus that the federal government enjoyed in the past, it's time that some of that \$13.2-billion surplus is taken to improve that highway, which was originally agreed upon as a 50-50 cost sharing arrangement. Let's see some of those funds, some of those dollars, move to improving Highway 17, not only in the member's riding but in other sections of that highway. We need a fair arrangement.

I know we just had a comment made, "Why is the member standing up?" He's advocating for the people of his riding, he's advocating for the people of the north, and that's what you need in this House. He's also working with our minister, the Minister of Transportation, the Honourable Donna Cansfield, as I am. I have a highway in my riding, Highway 138, a link to the nation's capital. I have been working with the minister, advocating on behalf of the constituents of my riding. That's exactly what this member is doing for the good people from Sault Ste. Marie. I appreciate this opportunity to speak in support of the member's Bill 149.

**Mr. Jerry J. Ouellette (Oshawa):** I very much look forward to addressing Bill 149 and the member from Sault Ste. Marie. First of all, to Marion and Ernie, Godspeed, and we wish you a speedy recovery in the Soo.

It's good to hear that the member from the Soo is actually paying attention and listening to petitions, because as I'm sure the member knows, I've presented numerous petitions dealing with this very specific issue on entering into agreements with the federal government in moving forward with improving the interconnecting highways throughout the province of Ontario.

I believe that the member's bill is probably showing his constituents he's dealing with the issue that's been a long-time concern in the Soo, along with a lot of other parts of the north, whether it's Kenora, Thunder Bay or Timmins. All through the north, we see a consistent push for four-laning of highways for a number of issues: safety issues, trucking issues and other things. But I think the member would have been far better to address the concerns that deal with the reassessment issues I'm hearing about from the north in the unorganized townships, because those individuals with camps in the north are living in municipalities such as the Soo, or the question I brought forward to the Minister of Northern Development and Mines would have been a far better issue, dealing with the closure of the unorganized dumps and the impact on municipalities.

But he's decided to move forward with this bill, trying to push an issue that a government member is trying to deal with the federal government about, in bringing in negotiations for expanded funds. This is something that

MTO has been dealing with since—well, I can remember it was the same issue in 1995, trying to get some funds to move forward and ensure that consistency was taking place for funding with interprovincial roads. I think the bill is lacking in a number of areas and is far too limited. The member should have included the concern or initiative of Mayor Rowswell of Sault Ste. Marie dealing with the rail factor as well.

The bill should have taken into consideration his own mayor in the Soo's initiative in trying to use Sault Ste. Marie as a hub for rail transfers throughout Ontario, as a connecting link to bring people from western Canada through the Soo and then use that link in the Soo as a key location.

That would do a number of things. One, it would reduce the truck traffic that is currently utilizing the highways and reduce the amount of wear. I'm sure the member knows that an improperly loaded truck can put as much wear on the highway as 100,000 vehicles going over a stretch of the road. So an initiative to reduce the truck traffic and increase rail service within the Soo should have been included as part of that bill as helping out.

There's another area that I thought should have been addressed as well, and that was air transit. For example, I mentioned Ernie. He happened to be in Sudbury and needed air service out of Sudbury into the Soo. Well, there was no service available to provide that transport from Sudbury to Sault Ste. Marie, which was there once upon a time and needs to be there now. The bill should be including things such as air service into the Soo. I know his own mayor had the transpolar initiative that he tried to address as well, but even within the province of Ontario there is a lack of service going into the Soo dealing with things such as air service. We've also mentioned the issue of rail service that Mayor Rowswell has tried to bring forward.

I think the other area is that the bill is extremely limited with the ministries it deals with as well. If you look at it, there is one key area that's not addressed and that people are sometimes reluctant to deal with: It should have included the Native Affairs Secretariat, federally and provincially. The reason for that is that a substantial portion of what he's talking about has to go through treaty lands, and they are not being included there. They need to ensure that the Native Affairs Secretariat, both federally and provincially, is included in that aspect of the bill so they can resolve the issues, making sure that the natives are completely compensated for and brought into the process so they can be made part of the Trans-Canada going through that particular area. That's a huge issue.

Also, I'd like to say that once upon a time, so many decades ago, a wise individual in Ontario had the foresight to look forward to the future and see that the 401 was a key connecting link through all of Ontario and right into Quebec. If you look at that and at the impact the 401 has had on the development of the province of Ontario, the same thing needs to take place in the north. I



personally believe that a commitment to put forward a program that eventually four-lanes the north will give that equivalent of the 401 linking southern Ontario along with all those US jurisdiction states along the Ontario southern border, and would make it far more attractive for business, individuals and lifestyles to move north. I happened to be at a place and somebody just amazed me. They had no idea. They said, "You go four hours north of here and nobody can live there." I looked at this individual and thought, "You have no idea what it's like in northern Ontario." There's a huge wealth of forest industry, of mining industry, of development, of quality of life, and so many things to offer there.

I just think that a program coming forward that dedicates and continues on with what the previous government did—the previous government had been moving forward with four-laning for a number of parts of southern Ontario and linking the north to the south, whether it's up to Sudbury, which is coming along quite nicely, as well as up to North Bay. Once those key links are done, I think the four-laning of those other sectors as well, moving from Sudbury to the Soo and Thunder Bay and out, and North Bay up to Timmins, will have a huge impact, in the same fashion as the 401 did.

In conclusion, I'd just like to say I think the bill is too limited in its perspective. It's good to hear that the member is listening and has taken up the challenge on my petition to move forward with negotiations, but you should include the rail and forestry sectors and other departments that are going to have to resolve issues to make it move forward, which includes of course the native secretariats.

**Mr. Gilles Bisson (Timmins–James Bay):** I'm glad to participate in this debate because I think it's quite a unique debate. I've probably not seen a debate like this one in my 16 or 17 years here.

What is this all about? First of all on the issue, do we as members agree that we should do more in order to construct highways anywhere in this province, including northern Ontario? Of course. We'll vote for the bill just on the basis that it's trying to do something positive. I want to put on the record that, as New Democrats, we'll support the bill, because we think in the end any improvement to our highway system—and specifically, for me, in northern Ontario—is a good thing.

But let's talk about what this bill is really all about. This guy has been a member of the government for the last three years and is lobbying, trying to get highway improvements in his riding. He's supposedly influential within his own government and has not been able to deliver. So he brings a bill into this House as a way of saying to his constituents, "Look what I'm doing for you."

I just say, listen, all of us who have been members around here for a long time understand what the process is. If you want to have a highway fixed or you want to have four-laning done, you basically lobby the Minister of Transportation in order to get funding for your particular community.

1030

I look at our friend the page Breanna, who comes from Kapuskasing. As a member of the opposition, with your own government we were successful in getting roads fixed through Kapuskasing in regards to reconstructing that stretch of highway. There have been all kinds of roads fixed on Highway 11. The way that I did that is, I went and talked to the Minister of Transportation, along with the mayor, Mr. Caron, along with Mayor Audet from Moonbeam, with Madame Réjeanne Demeules from Smooth Rock Falls and, up in Hearst, the work that we've done there along with Roger Sigouin. There's a process, and that process is that if it's a connecting-link funding application, the municipality makes an application, they work with the provincial member, and together we lobby the minister and the Ministry of Transportation to provide the funding to fix the road. We're successful in doing that, all of us, as members, because that's part of what we do. I just find it somewhat strange that the member has got to bring a bill in here to try to deliver on something for his constituents when really it's his job as a member to do it in the first place. I want to put that on the record.

If it's a question of saying, "I want a four-lane highway," or "I want to improve the Trans-Canada system," I've got a couple of things that I think the member has to add to this bill. I want to add that the Trans-Canada system is not just Highway 17; it's Highway 11. In fact, there is more traffic on Highway 11 in the winter months than there is on Highway 17. So if we're going to have a bill to deal with trying to lobby the federal government to up the dollars from 7% to 50%, fine, but we should at least try to bring the rest of the Trans-Canada system into this bill, because all you're doing is talking about one section of the Trans-Canada Highway, not the entire Trans-Canada Highway. As we know, Highway 11 from Thunder Bay to the Manitoba border is the Trans-Canada system, and Highway 11 from Thunder Bay to North Bay is the northern route utilized mostly in the winter by the transportation industry because of the hills along Lake Superior and along Lake Huron. So I think the member is being somewhat parochial in his approach to what should be government policy.

I guess this is the other point I want to speak to. If the member is saying, "I believe we need to have a legislative initiative in order to deal with the Trans-Canada Highway," don't just do it from the perspective of your own backyard. You have to look at all of northern Ontario and to say that is something that we should be doing for the entirety of the Trans-Canada system.

But let's be clear: What's this bill about? It's about the member from Sault Ste. Marie not having been able to deliver on highway improvements that are wanted by that community and by northerners, and he is saying, "Look at me. I've solved the problem. I can go into the next election because I passed at second reading a bill that got the support of New Democrats, Conservatives and Liberals. Look how great I am." Of course we're not going to vote against it—it would be like voting against



motherhood and apple pie—but I just want to say this is really a toothless wonder.

If you look at the bill, the bill in itself is quite unique. First of all, it's only a one-page bill. That's normally the case in private members' bills. But there are basically two sections that are really important when it comes to the federal cost sharing initiative. It says under 1(3) that you're going to have five years to be able to implement basically—it says, "Implementation of the plan," so five years to implement the plan, but only if condition (4) is met. Condition (4) is, "The government of Ontario shall enter into discussions with the government of Canada for the purpose of reaching an agreement relating to sharing the costs of implementing the plan."

Well, you know, Dalton McGuinty, Mike Harris, Ernie Eves and Mr. Bob Rae all lobbied the federal government for the past 15 years to get the federal government to pay its fair share when it comes to Ontario services. To date, none of them have been successful. So what makes you think that by passing and introducing a private member's bill you're going to get a 50% cost sharing agreement with the federal government? We all agree: The federal government is missing in action. They've been removing themselves from the business of infrastructure and supporting the province of Ontario, as far as our fair share, for many years. Premiers since I've been here, since 1990, have all that made that argument, and to date the federal government has not responded by way of three Prime Ministers: first Mr. Chrétien, then Mr. Martin, and now Mr. Harper. So this particular bill basically—

**Mr. Brownell:** We've got to keep on trying.

**Mr. Bisson:** Well, the guy says we've got to keep on trying. I don't disagree, but I'm just saying let's see this for what it is, because it really is a toothless wonder. If in 16 years we've not been able to get the federal government to deal on one of the most fundamental cost sharing arrangements, which is health care, where they used to pay 50% and they're now down at about 12% or 14%, what makes you think you're going to be able, by way of a private member's bill, to bring the cost sharing arrangement on the Trans-Canada up to 50%? It's pretty nil. What it basically means is that if there's never an agreement on the cost-sharing agreement, this bill doesn't do anything.

So what is it about? I'm going to come back to the point. I'm going to be blunt to my good friend from Sault Ste. Marie. He's caught in a bit of a box. The people of Sault Ste. Marie, along with many other people in northern Ontario, want to see four-laning and passing lanes put on the Trans-Canada system. I know my good friend Madame Smith, myself and all northern members agree with that, and we should do that. We all agree that we should involve the federal government. That ain't the point. But the reality is that we've not been successful in, first of all, getting the federal government to increase its share. No Prime Minister or Premier or party has been successful in that. He's basically trying to find some cover for the next provincial election. That's all this is

about. I just say to my good friend, we'll vote for it in the end, because why wouldn't we, but I think we need to say what this is all about.

The other thing is in regard to the precedent this sets. I just want to say a few words on that. If the only way a local member from a constituency could get highway construction was by bringing a bill into the House, we'd never get a highway built in this province. There's not enough legislative time for 103 members to bring legislation into this House asking for some legislation to build some strip of highway somewhere. It's a bit of a ridiculous process. That's why we've got the Ministry of Transportation. We have a Ministry of Transportation that is charged with maintaining our system of roads in this province, and the way we do that is that there are capital allocations made by the province and then applications are made by municipalities and others to reconstruct roads, to construct new roads or to do four-laning, and the Ministry of Transportation does that.

If we have to go to the lengths of having to introduce a bill every time we want a highway fixed, I can tell you that it would be a pretty cumbersome process, because every member in this Legislature would probably have three or four bills per session asking for a road to be fixed. Right now in our particular constituency of Timmins-James Bay, we've got applications for road construction in Moosonee, Hearst—Highway 11 by Opasatika was done—the south part of Kapuskasing in regards to Highway 11. There's connecting link funding in the community of Timmins. There are at least four applications that I'm aware of at this point from my constituency that are going into this year's capital allocation process that will be basically rolled out this spring. If I have to bring a bill into this House for each one of those—I understand how this process works. You have very limited time. A member can introduce only one private member's bill per session. You're lucky if that equals two bills per the life of a Parliament of four or five years. It would virtually mean that you can only get one, maybe two highway projects done in your constituency if we had to go by way of a bill. So I just say to members, I don't think we want to have a process where we've got to use legislative time to fix highways. That's why we have a Ministry of Transportation.

Again, do we agree with the concept that we need to be able to do more to four-lane Highways 17 and 11 and other important highways in northern Ontario? Of course. We don't argue with that for a second. We understand that it is a question of making sure that our economy is vibrant in northern Ontario, and one of the key issues is making sure that all transportation—but in this particular debate road transportation—infrastructure is adequate. I would agree with the member from Sault Ste. Marie that the road system is inadequate in northern Ontario. There is much improvement that needs to be done as far as repairs to existing infrastructure and four-laning, especially in those busy spots along Highway 17 and Highway 11, plus passing lanes. We all agree.

I was a member of a government that did an extreme amount of work when it comes to four-laning Highway



11 and Highway 17, and especially on passing lanes. That's one of the things we did on Highway 11. We had a program that basically saw, from North Bay to about Kapuskasing or Hearst, five passing lanes built per year. It was a commitment we got from the Minister of Transportation, and it has done a lot to end the bottleneck on that road.

I just say that we agree, but as my good friend the member from Parry Sound had mentioned—it might have been somebody else, but I thought it was the member from Parry Sound who made this point—we need to look at transportation as a whole. That, I think, is probably the bigger debate for us in northern Ontario, because if our northern economy is going to not only survive—there are some real problems within our economy. We have a bit of a schism right now. Mining is doing well because of gold and base metal prices, and thank God for that, because it's providing some boom in communities like Timmins, Sudbury and Kirkland Lake and other mining communities. But forestry is in real peril. The member from Sault Ste. Marie knows, I'm sure, as we do, that St. Marys Paper filed for bankruptcy protection last night. That tells us of the challenge we have in northern Ontario in securing a primary industry. But one of the issues we have to deal with to secure primary industry is to provide a transportation infrastructure that allows them to compete on the world stage and on the North American market. It is more expensive to ship goods the further you are from market. Of course, in northern Ontario, we're further than most. Because we're the northern part of the province, we have a longer way to ship our goods.

1040

So one of the things we need to do is look at transportation infrastructure and transportation policy so that we're able to give northern manufacturers and northern employers some sort of equalization of the playing field when it comes to transportation. I would be bold and say we need to subsidize. I'm going to say it right upfront: We need to find ways of being able to subsidize transportation costs for manufacturers in northern Ontario, either by way of rail, air or road, whatever makes the most sense.

Now, somebody is going to say, "Oh, well, that's crazy. We shouldn't subsidize." Highway 401 is a provincial infrastructure, or partly federal—no, it's all provincial—paid for 100% by the taxpayers of Ontario. Every manufacturer along that line uses it as a way of being able to ship goods from warehouse to production plant to market. Basically, that road infrastructure is the key part of the southern Ontario economy. The taxpayers of Ontario pay for that 100%, so we are subsidizing Ford, GM and all of the manufacturers along the Highway 401 corridor, and rightfully so; that's part of what you do as a province.

The problem we have in northern Ontario is that we need to have some way to lessen the cost for our manufacturers so that it would make some sense to situate yourself as far as producing something in northern Ontario and selling it to market.

I would like to see in this bill, if we get to second reading, some debate and some amendments about how we're able to develop policy infrastructure, transportation policy, in northern Ontario to find ways of reducing the cost of transportation for northern employers.

If you're a pulp and paper mill in Sault Ste. Marie, if you're a sawmill in Opasatika or wherever you might be, or you're, for example, a value-added plant in Hearst, such as others that are there, that you have some way of being able to transport the materials you need from southern Ontario to the north, that you're able to assemble them and do what you have to do with them and then transport the finished goods to wherever you're selling them—we need to have some way of being able to reduce the cost for the manufacturer so that it makes more sense for them to establish themselves in northern Ontario.

In the last minute I have, I would be remiss if I didn't talk about the James Bay, because if we're going to talk about roads, there's a part of the province we need to talk about. There are no roads. The community of Moosonee is looking for paving inside that particular community. None of the roads are currently paved; there's a real dust problem. The mayor is going to be coming forward, along with his council, with an application this spring. I am hopeful and will be working in consultation with the provincial government in order to get some funding so we can do some paving on those particular roads.

Then the other issue is that we need to take a look at some sort of a permanent, all-season road from the James Bay up to Attawapiskat and north, if possible, in order to be able to help develop that part of the province. I understand that is a very expensive project, but I just want to remind members that it was the building of the Ontario Northland Railway, the old TNO, at the beginning of the last century that basically developed all of northeastern Ontario. All of the sawmills, all of the mines were found, constructed and developed because of the construction of a railway paid for by the province of Ontario.

The next frontier when it comes to development is going to be along the James Bay, for diamonds, gold, lignite and a whole bunch of other metals that are in that particular area, not to talk about hydroelectric potential.

So, I just say that one of the things we need to take a look at is a policy that would look at a period of time of being able to develop an all-season road system along the James Bay. Thank you very much, Speaker, for this fine opportunity to participate in the debate.

**Mr. Phil McNeely (Ottawa—Orléans):** I'd just maybe start off with two comments: Karl Walsh, the president and CEO of the Ontario Provincial Police Association, "The Ontario Provincial Police Association congratulates MPP David Oraziotti for taking the initiative to approve public safety on our highways through the introduction of the private member's bill"; and Doug Mayhew, manager of public and government affairs for the CAA, "Highway 17 is the lifeblood road from eastern to western Ontario. It carries not just the goods we produce, the products we need and the tourism we require, but our futures." I don't



think there is any doubt that this is an extremely important issue in transportation in our province and in our country.

I lived on the Trans-Canada Highway as a child. When I went to school, I walked along the Trans-Canada Highway. I recall when it was reconstructed into a new location, and we had both highways passing through our farm along the Ottawa River. I had a friend—Ross and Sandy Dunning moved out of Rockland, Ontario. The Trans-Canada went through Rockland then, and you had to travel 20 hours, I think, to go to their place on the Trans-Canada Highway almost at Thunder Bay. It's a major lifeline of our province, from the Quebec border to the border with Manitoba. It's extremely important.

Ontario has the safest highways in North America. I think we have to be very proud of that achievement of our province. We're investing heavily in infrastructure in the north of Ontario: \$357 million this year, an all-time record. We've proven our commitment by releasing the first ever five-year construction program in June 2006, the northern highways program, an update to the northern Ontario highways strategy released last year. The northern highways program will be updated every year to ensure key projects are moving forward.

Four-lane sections of Trans-Canada Highway 17 already exist, as we know, in the vicinity of North Bay, Sudbury, Sault Ste. Marie, Thunder Bay and, of course, Ottawa. Planning studies to four-lane Highway 17 to the Sudbury and Ottawa area are currently under way, where the annual average daily traffic is over 10,000. Even in Ottawa, in Kanata, there's a \$50-million project to improve the section through Kanata, and that's part of 17. There's a recently constructed portion of Highway 17 near Amprior, and of course the member for Renfrew has spoken often about the need to four-lane Highway 17 north of Amprior.

Because of increasing traffic volumes, other parts of Highway 17 will require improvements, so we need to get on with these improvements. In the northwestern part of the province, Highway 17 is the only link to western Canada. Even with our current funding levels, we are not able to undertake all the improvements needed. We need federal funding now. That's why I welcome this private member's bill.

Last year the provinces and territories completed a national transportation strategy, *Looking to the Future*. The strategy reinforces the fact that key highways, border crossings, urban roads and transit in Ontario are critical to Canada's economy. We need an integrated approach to strengthening the transportation system. According to Transport Canada's annual report of 2004, provinces and territories reinvest more than 92% of their fuel tax revenues in transit and roads. In contrast, the Canadian federal government reinvested less than 10%. The US federal government returns over 90.5% of federal gas taxes to the states where they were collected, worth \$286 billion over six years. So while the federal government is wallowing in excess revenues, where they have \$13 billion dollars at their disposal to put energy into the

north, to help with the economy of the north, they haven't made the steps forward yet: 10% of the dollars they collect on gas taxes go back into roads and transit.

Canada has to keep pace with its neighbours and trading partners who are making substantial investments in transportation infrastructure. We depend too much on the industries of northern Ontario to not provide the investment that they need. This can't be done by the province of Ontario alone. We need the dollars from the federal government.

So I very much support this bill from the member—how important it is to Ontario, how important to eastern Ontario, how important to northern Ontario and western Ontario. If we want to go out west from our area, we use the Trans-Canada Highway. The federal government should be there. We certainly feel that this is the right time to put this bill in. Let's get our friends who were in this House, who know how important roads are, to support this bill in the federal government and to make sure that Highway 17, this lifeblood of Ontario, is improved in the very near future.

**Mr. Jim Wilson (Simcoe-Grey):** I want to join other speakers this morning in the few minutes I have in indicating that this is rather a strange bill. I certainly will support it, as the Minister of Northern Development and Mines during Mike Harris's and Ernie Eves's time. I'll just remind the previous speaker, who said they're putting in \$357 million, which is supposed to be some sort of record—try \$1.8 billion, audited dollars, truly spent up until April 2003 during our time in office. You won't, as an accumulative over your years, even come close to that, I'm pretty sure.

**1050**

I find it passing strange that Dalton McGuinty is crapping on the federal government over the fiscal imbalance. He's crapping on the federal government over his problems in post-secondary education. He's trying to pin the mess in Caledonia on the federal government. He's trying to force the Prime Minister's hand on Senate reform. He's fighting the feds for keeping their promise on child care. The feds kept their promise. In Niagara-on-the-Lake in the last couple of days, he's been crapping on the Prime Minister for having no innovation agenda in his remarks, which were very, very partisan and inappropriate for a Premier.

Now today, this private member, who is a member of the government, suddenly wants the government that they've been crapping on, which is clearly their re-election plan, to come to the table and, over the next five years, come up with some plan for the Trans-Canada Highway. Frankly, if I were the honourable member from Sault Ste. Marie, I'd get up and say the feds should pay 100% of the -Canada Highway. When I grew up, I thought they did. We were always taught in school that the feds should pay for the Trans-Canada Highway. I told every northern mayor who used to come to me that I'd help them out in their communities with the Highway 17/11 corridor, which I've travelled many, many times during my lifetime, from one side of the province to the



other. The fact of the matter is, I agree with the honourable member, but it shouldn't be just 50-50; the honourable member should be asking for 100%.

I also want to say that the portion of highway that this bill pertains to has had fewer accidents than the portion of highway that you cancelled between Stayner and Collingwood over the years. So you don't care about southerners; you don't care about the people of Collingwood, Wasaga Beach and the hundreds of thousands of tourists who go up to Collingwood and Wasaga Beach to go to the skiing area and go to Blue Mountain every year. There are more accidents in my 6.7-kilometre piece of highway—I looked it up with the OPP yesterday—than you have on this piece of highway, and you have the gall to cancel my highway.

**The Deputy Speaker:** The member for Nipissing.

**Ms. Monique M. Smith (Nipissing):** That was a lovely display from the former minister.

I'm proud to be able to support this bill today and speak up on behalf of real northerners, who know the importance of their roads and highways and how important it is to have a link to the rest of our province and our country.

I want to commend the member for Sault Ste. Marie. I want to just quote his mayor who today, in reference to this legislation, stated: "Ontario needs good transportation infrastructure because our region is the inner core of Canada—we tie Canada together. In the global economy, a strong core builds a strong country that can compete globally. David Oraziotti's private member's bill advances our nation and the province of Ontario with critical infrastructure to ensure we are successful for decades to come."

I agree with his mayor. We have shown a strong commitment to the building of highways in the north during our tenure. We have a northern highway strategy that has instituted unprecedented investment in the north. I don't know where the member for Simcoe gets his numbers, but this year alone we are investing \$357 million. Included in that, this year we are investing in my area. We're investing in Highway 11, south of North Bay to Highway 654 junction to Highway 17 at Laronde Creek, all the way to North Bay, and Highway 63 and Highway 17 west of Mattawa for 26 kilometres—those are 26 brutal kilometres that I travel quite regularly, so I'm glad to see we're doing some work on that—Highway 522 and Highway 64 at the Sturgeon River Bridge.

We're making some major investments in our northern highways. That does not even begin to address what we're investing in Highway 11: \$120 million over the next two years to continue the four-laning that I know we've spoken about many times in this House, the four-way laning of Highway 11 that started in the 1950s under one of their governments. Up until this year, we did not have an end date, but now we know that we will have the four-laning completed by 2012. This is a major initiative and a major commitment to my community of North Bay, which is delighted to see that we are finishing this project that is long overdue.

That's just one of the many indications of our government's commitment to highways and transportation into the north, of our government's commitment to the north. I have to say that I was delighted to hear the member from Parry Sound-Muskoka say that he was committed to this idea and committed to the notion that we should have the federal government at the table.

I hope he will pick up the phone and call his federal counterpart, Tony Clement, to put pressure on him to come to the table, to recognize the importance of our highways and to recognize the importance of this linkage of the south to the north. I know the member for Parry Sound-Muskoka is all too familiar with the benefits that we've reaped from the Highway 11 four-laning, and I know he can appreciate how much benefit we would reap from the improvements to Highway 17 of the Trans-Canada Highway.

I agree with the member for Simcoe on one point, and that is that I too thought when I was a kid that the federal government supported the Trans-Canada Highway and was in charge of the Trans-Canada Highway. I was shocked to see that in fact they had given up that responsibility. I hope that he too will pick up the phone and call his counterparts and friends in Ottawa, who are now sitting on a \$6.8-billion surplus, and that's after only five months into this fiscal year. Surely they can give us some money to help us with our northern highways. I believe the members for Parry Sound-Muskoka and Simcoe believe themselves to be strong advocates for the north. I believe they too will stand up and put some pressure on the federal government to come to the table and develop with us a northern Ontario highway strategy that will allow us to continue the good work that our government is committed to and has already begun.

As I said, we've announced many projects in the north. We have done a great deal of work in the north on our highways, on our infrastructure—our roads and bridges—in various communities, and we are seeing those benefits, but with federal participation, we could see so much more. That's why we're calling on the member for Parry Sound-Muskoka and we're calling on his leader, John Tory, who claims to be such a great fan of the north and who appears occasionally in the north for photo ops and press conferences attended by few. We want to make sure that he understands that highways and the infrastructure of the north are important to our growth, to our economic development, to our tourism industry, and to making sure that northern Ontario continues to prosper. That is the focus of this government. We've shown our commitment through a variety of programs, including our investments in highways, and we will continue to do so as we move forward.

**Ms. Laurie Scott (Haliburton-Victoria-Brock):** I'm pleased to have the opportunity to provide some comments on the bill this morning, Bill 149, the TransCanada Highway Improvement Act.

I'd like to begin my remarks by following up on those of my colleagues. We certainly understand how important infrastructure is to towns and municipalities in north-



ern Ontario and throughout Ontario. When I considered some of the things I'd like to see in legislation, the prominent thought that kept returning to my mind was how areas throughout the province are affected by infrastructure needs. No question, safety is foremost in the mind. The member for Sault Ste. Marie has brought forward safety, but from an economic development perspective, we appreciate the benefits of improved highways and routes. It's about making it easier for tourists to access areas; for businesses to ship and receive products, as mentioned before; to enhance safety and security in our communities.

In my riding of Haliburton–Victoria–Brock, residents, businesses and chambers of commerce have been working tirelessly with me in bringing forward signed petitions for four-laning expansion improvements to Highway 35. I'm sure members opposite can relate to examples in their own ridings, that expanding highways is vital for our safety and economic development for the residents and businesses. The Highway 35 expansion will open up the Kawartha Lakes area, open up the Haliburton area, open up whole parts of my riding. It needs to be brought through as quickly as possible.

The member who just spoke promised the four-laning of Highway 11 in the first year. Wasn't it in the first year?

*Interjections.*

**Ms. Scott:** I'm just saying—

*Interjections.*

**The Deputy Speaker:** Order.

**Mr. Wilson:** That's exactly what—

**The Deputy Speaker:** Order. Let's all settle down and listen to the member for Haliburton–Victoria–Brock.

*Interjections.*

**The Deputy Speaker:** Order. The member for Simcoe–Grey, the member for Nipissing, do you listen to me at all up here? Order. The member for Haliburton–Victoria–Brock.

**Ms. Scott:** In the few seconds that I have to wrap up, it's good to bring attention to the fact that the infrastructure needs to be developed as quickly as possible, but this private member's bill is not needed. We need a real plan for northern Ontario, not an excuse to do nothing.

**The Deputy Speaker:** Mr. Oraziotti, you have two minutes to respond.

**Mr. Oraziotti:** It's a pleasure to respond. Certainly this bill is a significant undertaking; we recognize that. I don't share the defeatist attitude of the member for Timmins–James Bay. This isn't about the election. This is about northern Ontario's infrastructure, and nobody has a monopoly on saving lives on our highways in northern Ontario.

I recognize the comments that were made today to support the bill. I want to congratulate and thank the member for Stormont–Dundas–Charlottenburgh, Jim Brownell, Monique Smith from Nipissing and Phil McNeely the member for Ottawa–Orléans, for their support and their remarks today.

**1100**

Our government has supported infrastructure and highway development in northern Ontario, with increased passing lanes—15 kilometres—by Highway 527, a truck-climbing lane outside of Ouimet and a four-lane section outside of Sault Ste. Marie, something the community is anxiously awaiting the opening of. We've increased the funding by \$357 million in this budget. It's a record investment.

This deal is long overdue. The federal government has not been at the table. We're going to stick to the facts on this side of the House. The historic funding for the Trans-Canada is 50-50. That's what we're asking for; that's what we're going after in this bill. We expect the federal government to be at the table. We expect the federal government to be at the table when it comes to the Canada Health Act as well, and they've been missing in action. We need to raise awareness of the surpluses that Ottawa has, 30% to 40% of which is Ontario taxpayers' money.

We want you, on this side of the House, to stand up for Ontario, to stop making excuses and to stop talking about your record that was dismal in northern Ontario. We're happy to run on our record as northern members. We need support from you, on all sides of the House, to get the federal government to come to the table to support this bill.

## ELECTION AMENDMENT ACT, 2006

### LOI DE 2006

### MODIFIANT LA LOI ÉLECTORALE

Mr. Patten moved second reading of the following bill:

Bill 146, An Act to amend the Election Act / Projet de loi 146, Loi modifiant la Loi électorale.

**The Deputy Speaker (Mr. Bruce Crozier):** Mr. Patten has moved second reading of Bill 146. Pursuant to standing order 96, you have up to 10 minutes. The floor is yours.

**Mr. Richard Patten (Ottawa Centre):** I'm extremely pleased and honoured this morning to be able to bring forward my private member's bill, An Act to amend the Election Act. This is the second time I've introduced this bill, so I hope we can carry it through.

The bill in front of us today is a very straightforward, simple piece of legislation but considerable in potential. It amends the Election Act and it implements two ideas: First of all, it requires that a candidate's nomination papers be accompanied by the endorsement of the registered party; and secondly, it provides for the inclusion of political affiliation identification of the candidate on the ballot, in other words, the name of the party that the person is running for.

Many Ontarians have advocated for these changes over the years, including past and present members of the Ontario Legislature. In fact, the proposed changes mirror closely the intent of a bill introduced in June 2003 by



Sean Conway, who was the former member for Renfrew–Nipissing–Pembroke. It's somewhat ironic that Mr. Conway's bill was not debated because of a called election which was his bill's intent to improve. It was widely supported by the members of the last Parliament, and I'm hopeful that there will be support for this bill from all sides of the House today. Mr. Conway, at the time, had said that he believes this bill will become an important part of the democratic reform of our government and will champion these initiatives and help increase voting participation. I'm grateful for his thoughts and his support.

I would also like to acknowledge and thank Mr. Rossano Bernardi, a graduate of Algonquin College and Carleton University. This young gentlemen sent me a letter in which he proposed changes to the act to allow placing political affiliation on the ballot, so I'm grateful to him. He spent a considerable amount of time and effort researching and writing his proposals because he firmly believed this change would benefit our democratic system in Ontario. It's important for us, therefore, to move forward on behalf of Rossano and his generation.

This bill puts into action recommendations from the standing committee on the Legislative Assembly, which approved placing political affiliations on the ballot as far back as 1989. The Chief Election Officer of Ontario has tabled numerous reports in the Legislative Assembly that have recommended the need to include the candidates' political affiliation on the ballot. These reports from the Chief Election Officer of Ontario have consistently said that placing political affiliation on the ballot aids electors in making an informed decision at the polls. It is recommended that section 27 of the Election Act be amended so that a candidate's political affiliation is designated on the ballot, and to review the wording of section 34 with regard to the form of the ballot. Today we have an opportunity to follow these recommendations in order to stop restricting the electors' access to basic information about a candidate's political affiliation.

It should also be said that the electoral law of Canada and, in effect, every other province, with the exception of Ontario, the giant, and the little giant, PEI—so we have Ontario and PEI that are out of step with all the other jurisdictions.

On March 15, 2001, in a presentation before the standing committee on procedure and House affairs, Jean-Pierre Kingsley, the Chief Electoral Officer of Canada, stated:

"The Court of Appeal for Ontario found the provisions of the Canada Elections Act confining the right to indicate political affiliation on the ballot to candidates of registered parties to be of no force and effect.

"This declaration of invalidity is founded on an extremely important conclusion: that limiting identification of political affiliation to registered parties infringed on the right to vote guaranteed by section 3 of the Canadian Charter of Rights and Freedoms, which includes the right of all electors to vote in full knowledge of the facts.

"Therefore, in the court's opinion, the right to vote implies the right to full and complete information necessary

to vote in full knowledge of the facts, and the political affiliation of a candidate is information that is necessary to permit an informed vote.

"In fact, in the court's view, political affiliation constitutes basic information for electors."

Amendments to the Canada Elections Act were made in 1970—that's 36 years ago—allowing the placement of political affiliations on the ballot for all subsequent elections. The Office of the Chief Electoral Officer of Canada has indicated to us that these amendments have worked well. In other provinces such as BC and Alberta, where we contacted their offices, the chief electoral officers indicate that placing political affiliation on the ballot has improved clarity and choice for voters. So, in effect, Bill 146 will ensure that Ontario is in step with electoral practices in Canada, and our changing demographics and living patterns.

Currently in election campaigns, the political affiliation is present on campaign signage and can be multilingual to represent the multicultural demographics of a particular area. These inclusions improve clarity, improve choice. These improvements can also be applied to the ballot.

Bill 146 addresses many issues regarding elections in Ontario. It addresses problematic situations when candidates have a similar name or the exact same name. Placing the political affiliation on the ballot can solve this particular problem. It must be interesting in PEI to see Mr. MacDonald, Ms. MacDonald, Mr. McDonald, Ms. McDonald, because there are so many McDonalds in PEI.

It acknowledges today's reality of voter mobility. The rise of the mobile society has resulted in people moving often and not necessarily residing in the same riding for too long. Mobility, however, does not change one's beliefs or one's values. Providing political affiliation will allow them to identify with a candidate and associate themselves with the party they feel may best represent their views.

Finally, the bill will help recent immigrants, especially those who speak different languages, to make a more informed choice at the ballot box.

I want to continue by recognizing the importance of democratic renewal in our province. As you know, our nation—a Confederation that was born in 1867—was based on a democratic system of responsible government which was adopted by all our provinces. However, there have been few changes to our democratic system since then. Parliamentary rules in the electoral system that elects members still very much resemble those of the 19th century in Britain. Our government believes the time has come to bring these 19th century traditions in line.

Today marks an important day in Ontario, one in which the democratic institution has an opportunity, in a small way, to improve the electoral system by ensuring it is more clear to the people of our province. I will say at this point that our minister responsible for democratic renewal will direct the newly created citizens' assembly



on electoral reform to bring some real change to proposals to this particular Parliament.

I will continue my remarks on a more personal basis. I know that a healthy democracy is an issue that is near and dear to the hearts of every member in this assembly. I recall several years ago writing a paper on democratic renewal, and I want to say a few words about that.

1110

It's perhaps a measure of the well-being of our democracy that we rarely, if ever, think of it as being in any peril. By and large, we think of the health of our democratic institutions as stable and solid, if nothing else. On the rare occasions that our thoughts do take a dark turn, we tend to imagine the loss of our democracy not through a singular act, but perhaps some kind of cataclysmic event that would shake us to our foundations, something that would overturn our world, like an invasion or an occupation by a hostile, undemocratic enemy or a radical military coup from within. But what if our democracy started to slowly slip away in front of us and we did not take notice?

Early in my career, working with international programs in the YMCA, I travelled and lived extensively in Africa, the Middle East, South Asia, South America and the West Indies. Those travels illustrated to me the meaning of having a thriving democracy, as well as the value of keeping it healthy and vital.

Today, while on the government side the sanctity of the democratic process is further confirmed to me, keeping democracy healthy is something that never happens naturally. It must be nurtured and, on occasion, even fought for. Sometimes democracies can be seen to be slow, burdensome and a difficult exercise. Without doubt, it has its frustrations, but it also has its responsibilities and is one of the best systems in the world.

In closing, I know there are some strong defenders of the status quo. I would of course defend their right to their position and opinions, because we need to have full debate about democracy. However, I hope that they will eventually realize that Ontario politics, government and democracy are not working as well as they could or should and need change. So I say to them that we truly have an opportunity to do something in a small way for the people we serve. These amendments will be made in the name of a better democracy.

**The Deputy Speaker:** Further debate?

**Mr. Norman W. Sterling (Lanark—Carleton):** I want to congratulate the member for bringing this issue again to the legislative floor.

While elections and the method by which we elect people are important, I have stated before, and stated again this week, that how this institution runs once we are elected is really much more important. We do need huge reform to our institution here at Queen's Park. This place, in my view, is at its lowest depths with regard to how it functions in a democratic way and I blame the government of the day for that degrading of this Parliament. Constantly, day after day, we have ministers who shout across the floor with gross misrepresentations of

what, in fact, the position of the opposition parties is. This does nothing to instill confidence in the public or with regard to our institution or our MPPs.

With regard to this particular matter—the name of the party affiliation of the candidate—I sat on a committee way back in 1989 that dealt with this matter. It was an all-party committee during the Peterson majority government, just prior to the 1990 election. The committee unanimously put forward a proposal, a report dated July 1989. It recommended the two changes that are a part of Mr. Patten's bill here today. At that time, I supported them and I continue to support them.

Interestingly enough, in history, it would have been of great help in the 1990 election to have the party affiliation on the ballot. You may remember at that time, Mr. Peterson called the election prior to three years passing in his term from 1987. The public was bound and determined to throw the Peterson government out at that time. I heard story after story about people walking into the polling place in September 1990, when the election took place, and saying, "Who is the NDP candidate?"

They didn't know who the candidate was in the area, but they knew very much that they wanted to vote for the NDP. Unfortunately for us, the Conservatives at that time had a fairly unpopular Prime Minister, which unfortunately transposed onto the provincial election. I think that was probably the biggest telling factor in terms of why Bob Rae became the Premier of this province in that election in 1990.

Having said that, what happened was that there was great confusion in the polling booths, because people were not coming in and saying, "I want to vote for John Smith," they were saying, "I want to vote for the NDP." So they couldn't look to the ballot. The lineups got longer, as people wanted to go and find out, as it was posted in the polling place, the party affiliation. But they had to leave the line, go back around, and find out who was who and all the rest of it. So it's kind of ironic that a legislative committee in 1989 recommended that, and had it been implemented prior to the 1990 election, it would have provided a much smoother polling day in 1990.

The other part I think is important is that there have been several studies done with regard to how people vote in provincial and federal elections. Some people cast their ballot on the basis of the individual candidate running. All of us in this place would like to think that we have a great deal to do with the fact that they voted for Norm Sterling or Richard Patten or whoever. Unfortunately, most of the studies that have been done show that the individual candidate counts third with regard to how a person actually casts their vote. In most cases, people cast their votes first for the party, second for the leader and third for the candidate.

There was a study in the January 2005 issue of Electoral Insight published by Elections Canada, which shows that in the 2004 federal election, 50% of the voters voted on the basis of party, 24% voted on the basis of leader, and only 20% voted on the basis of the local



candidate. You can find as well different kinds of statistics on this, but you will find that study after study points to the fact that most voters vote on the basis of party.

It's also interesting to note that we have stated in this Legislature many, many times that we want to encourage young people to be involved in the political process. According to a study of voters, that same survey I talked about shows that those who were 36 years of age or younger put a greater reliance on party affiliation than the general public. The younger voters, 59% rather than 50%, voted on the basis of party, 27% voted on the basis of leader, and 14% voted on the basis of the local candidate. If in fact we are true to our words and we want to engage younger people in the process, we should be transparent about what happens at the polling station so that they can in fact go and vote for the PC candidate—as most of them will want to do, as you know. That's a little bias, Mr. Speaker. I make jest.

The other part with regard to the endorsement of the party I think is extremely important as well. All political parties have, shall I charitably say, eccentrics within their realms. We have heard this week about a particular eccentric who's engaged in our party. I believe that because the party system is so entrenched in our democratic system at the present time, the leader of the party and the other members of the team who are running under that banner have some right to say to a candidate who presents extreme views, "You cannot register as a candidate of our party because your views are too extreme to be accepted by those people running under the name of the Liberal Party," or the Conservative Party or whatever. So if a particular person happened to get nominated in a riding and had racist views, I'm certain that John Tory would exclude that individual from ever running under the banner of the Progressive Conservatives as a candidate in our provincial election. We would say, "You cannot run." Or if somebody made some extreme statements with regard to other kinds of issues, John Tory and the party would say, "You cannot run for our party. You do not express the overall intent and policies of our party."

1120

Under those two important areas, I do support the member opposite with regard to that. I might also add, on a personal note, that Mr. Patten happens to represent the area where I spent the first 22 years of my life. It's now called Ottawa Centre; it used to be Ottawa West. I lived very close to Fisher Park high school and Elmdale Public School, where he and I actually went to—I don't know what year it was, the 65th—

*Interjection.*

**Mr. Sterling:** Maybe it was the 100th anniversary of the school that I went to. But I've said to Mr. Patten, notwithstanding the statistics I've read, that I'm sure more than 20% of the people in his riding vote on the basis of the candidate. If he should ever decide not to run, maybe I'll go back and run in that particular area. I say that in jest, because the people in my area have been very

loyal to me and I'm loyal to them. But I want to congratulate him for persevering on this particular issue.

The other part I might say is that I am very hesitant to support private members' bills, from various members in here, which are complicated and which deal with complex issues and require wide consultation before they are in fact put into place. One of the bills which I opposed being brought in through the back door, as I would call it when it deals with a major policy issue, was the adoption disclosure bill brought in by other members of the Legislature here. I believe, though, that a bill like this is simple in its scope. It has been discussed extensively in this Legislature before and can be considered by this Legislature, and actually not only pass second reading but go to committee here and offer the public the opportunity, perhaps, to hear what other people have to say about it and be passed.

I will be supporting this, but I want to also indicate that there are other members of my party who have opposing views. I don't know whether we'll hear those today, but I do indicate that this party does have people with views other than my own on this issue.

**Mr. Jim Brownell (Stormont-Dundas-Charlottenburgh):** It's indeed an honour and a privilege for me to stand here this morning to support Bill 146, An Act to amend the Election Act, brought forward by my good friend from Ottawa Centre, Richard Patten.

Mr. Patten, the member from Ottawa Centre, was certainly working on democratic reform, democratic renewal—whatever you want to call it—for quite some time before I got into this House. Coming from eastern Ontario and subscribing to one of the newspapers in the area, I got to know the work of the member from Ottawa Centre, and certainly his passion and his interest in bringing more opportunities for democratic renewal and reform to this House. At that time I thought it was great. But when he introduced this in the Legislature and during first reading debate, having had an opportunity to say a few words then and seeing the gentleman the member from Ottawa Centre encouraged to come to this House, a gentleman by the name of Rossano Bernardi, a student who studied at Algonquin College and Carleton University in Ottawa—in doing that study and supporting what Mr. Patten had done in his research, and to have somebody else, a younger individual, a student, bringing this information forward, was just another indication that this is important. This is one other step in that process of democratic renewal and reform.

We've already heard from the member that this bill will do two things: It will require that a candidate's nomination paper be accompanied by the endorsement of a registered party; and that the inclusion of the party affiliation be on the ballot. Certainly, I think we all could support those two notions with regard to that bill.

This being one of only two provinces in Canada not doing this, I think it's time for this Legislature, for this government to step up to the plate and to come into the new century, to come into seeing that this is going to provide more clarity, more information for those people



who step into the ballot booth, for those people who step in to put their check mark or their X beside the name.

I'll just give you an example with regard to clarity. It doesn't relate to the ballot booth, but it relates to the name. The member from Glengarry—Prescott—Russell, Jean-Marc Lalonde, in first reading debate made a comment about the last election in his riding, the turmoil and confusion between two similar names on the ballot at that time. I look in my own riding right now. I'm the provincial member, but we do have a member of council for the township of South Stormont whose last name is Brownlee. Just the other day, I had an individual stop me, saying, "I didn't think the election was until 2007." I looked at her and I said, "It's not." She said, "Well, I see your name out on the sign." I said, "Well, that's not my name; that's Mr. Brownlee." Just on a sign, the confusion that can cause—I see that all the time. In fact, I had another person approach me wondering if my brother was running for township council. I had to say, "No. Make sure you understand that's a Brownlee, an L-E-E and not an E-L-L." Those things can be confusing.

I think this information, this idea the member from Ottawa Centre is bringing forward, brings clarity to the ballot itself. It brings to the ballot itself the opportunity for immigrants, those people who have language barriers thrown in front of them when it comes to that opportunity of casting a vote, for those people in a mobile society—we know that people today are moving around this province, around this country, and going in and being a new resident in a constituency where they're not familiar with the candidate but understand the party, understand the party's values and the ideas expressed by that party. Seeing that name on the ballot will certainly allow that individual a greater opportunity of making the decision that individual wants to make when he or she gets to the ballot box.

This has been around for quite some time. The member from Ottawa Centre indicated that the member from Renfrew—Nipissing—Pembroke, the Honourable Sean Conway, when he was here, tried to get this through the Legislature. I think he had a private member's bill on June 11, 2003. I was looking back too and seeing that it was also a recommendation of the standing committee on the Legislative Assembly in 1989, some 17 years ago, when this idea was brought forward that it is and should be the right thing to do in a first process of democratic reform and renewal. We as a party made that an issue during the last election. We certainly saw the minister responsible for democratic renewal given the responsibility of making sure that we move forward in this century with new ideas. From 1867 to now, we need those new ideas, and it gives me great pleasure to add these few words on the bill from the member for Ottawa Centre.

1130

**Mr. Jim Wilson (Simcoe—Grey):** In the one minute I have, I just want to say that I don't support putting party affiliation, political affiliation, on the ballot, and I don't support party leadership having to sign off on your nomination papers. I think we should go in the opposite direc-

tion. We should make the private member, the MPP, more important in his or her riding.

You know, I arrived here in 1990 when there were just 20 PCs elected, because Mr. Mulroney was a hated person among the electorate in Canada. I happened to work for three years as chief of staff to the Honourable Perrin Beatty in Ottawa, so my Liberal opponent kept saying throughout that campaign, "You're just a Mulroney kid and you're running." Well, thank God the people in my riding knew Jim Wilson, knew that our family had lived there some 250 years, knew that I had been the assistant to George McCague for six years and helped farmers and small business people, and helped people with their workers' compensation and welfare and all that. I'd like to believe that, at least during that election, my name had something to do with getting elected, not just the party.

Plus my party, in the last election, surprised me. They were putting a four-lane highway right through my riding. That's what came out in the blueprint document. No one consulted me on that. So I think that private members should be more important, and we shouldn't allow party brass to run our elections. I run for my constituents first and my party second.

**Mr. Michael Prue (Beaches—East York):** You know, I wrestled with this when the member from Ottawa Centre first stood in the House and reintroduced the bill that had been put forward by Sean Conway, the former member from Renfrew—Nipissing—Pembroke. I remember, at the time that Mr. Conway stood, thinking that this is a reasonable bill. When Mr. Patten stood in the House last week and came with virtually the identical bill, I remember thinking at that point, why is he doing this now? Why is he doing it now? The struggle that I have is I have to question the timing more than I have to question the contents of the bill.

In March 2006, the Honourable Marie Bountrogianni, the minister responsible for democratic renewal, set out to set up a citizens' forum to discuss changes to the way people get elected here. This very week, on Tuesday, she introduced the bill that will mandate and set out how the citizens are to come to a conclusion and, once they've come to that conclusion, how the electors of the province of Ontario are going to deal with it.

This bill is not going through that process. This bill, should it pass here today, should it be ordered to committee and should it eventually become law, will not be part of the process of democratic renewal which the Liberal Party ran on in the last election, and the bills—the very substantial bills—that are before the Legislature for debate at this time. In fact, what it will do is usurp the citizens' function, the 103 people who are meeting this weekend, and every other weekend from now through March or April. It will usurp their function, because what it will do is it will change in a very meaningful way how elections are conducted in this province and what the ballot looks like. It will change it from an election in which individuals run—sometimes affiliated to parties, sometimes not—for elected office, and will now include a party affiliation on the ballot.



Now, the question has to be asked—and I listened with some intent purpose to what the member from Lanark–Carleton was saying, and it is true, that people make up their minds on how to vote on a variety of factors. It can be the party that people belong to, it can be the leadership or the debates, it can be the policies, it can be individuals; it can be any number of things that go on in an individual's head that make them determine to vote one way versus another. But it forces those people during an election to weigh and balance all of those factors, only one of which is what party that person belongs to, only one of which is Liberal or NDP or Conservative or Green or Communist or Rhinoceros. It forces people to become informed voters. What this will do is allow people to be less informed voters. Mr. Sterling made the point. People were lining up saying they wanted to vote for the NDP candidate but they didn't know who that was. With the greatest of respect, I believe the electors have an obligation to be informed when they vote. They must know why they're going to vote, for whom they're going to vote. I'm not sure that this is going to do it.

I have to state that I'm troubled because the opposition parties in the Legislature the other day spoke about the 60% platform that the Liberal government has set to force change, should we change the way we vote. This bill will not be subject to the 60% vote. We're not going to go and ask the citizens' assembly to consider this. We're not going to go and ask the citizens of Ontario to meet the 60% platform and plateau so that we can put party names on a ballot for the first time in 140 years. In fact, we're going to treat this very differently than we treat democratic renewal. Is this renewal? Probably. Is this subject to the same vagaries and the same discussions and the same citizens' input that we are expecting for every other potential type of renewal? No, it is not.

I have to question why this bill is being introduced this way, when the citizens' assembly will and can determine this very issue. The citizens' assembly can look at this as one aspect of changing the electoral system; they can look at a great many more. And that's the problem I have with it. Yes, it's a private member's bill. Is it illegal? No. Mr. Patten is suggesting it's not illegal for him to do this, and of course it's not. But it is, should it pass today, should it be ordered to committee today, going to usurp the function of the 103 individuals, because that is their responsibility. If they are going to recommend that the system remain the same, they can do so by amendment, and one of the amendments, quite possibly, could be this. I believe we should be leaving that to those individuals.

That is what should be happening, and, quite frankly, that's what the minister had to say the other day. I just go back; it's only a couple of days old. This is what the minister said in the House in introducing her bill, in response to the bill she introduced on October 24: "On or before May 15, 2007, the assembly will announce their recommendation. If the assembly decides that there should be a change to our current electoral system, a referendum is needed to allow all voting Ontarians the opportunity to participate in the final decision." That's not what's going to happen here, and that's why I have that problem.

I have to say that the citizens' assembly will look at far more than whether to put a name on a ballot, but they could do that. In fact, that might be all they do, should they decide the system is one that should be retained. But I do have a problem as well, because the system, as it has existed in Ontario for 140 years, with all of its flaws, is well understood by the people of this province. Notwithstanding that it got as far as an all-party committee in 1989, there has never been a serious effort to actually have this passed until today. This is the first time it's ever been debated in this Legislature. With all respect, in 2003 it was not debated. In 1999, there was a private member's bill that was not debated as well. I've done the research on this.

**Mr. Patten:** And 204.

**Mr. Prue:** Well, 204 was not debated—

**Mr. Patten:** You spoke to it.

**Mr. Prue:** We could not find it, nor could the library.

But I want to let the citizens' assembly do what they need to do, and what the citizens' assembly needs to do is not figure out whether or not to put a name on a ballot, but in fact how people are elected to this House. There are three basic types of democracy, as the select committee that travelled across Canada and to Europe this year found out. There are three basic ways that people get elected.

#### 1140

One is the system that we have used here in Ontario for 140 years, the Westminster model, also known as first past the post. In that system, it is not necessary to have, and in fact very often does not have, party affiliation on the ballot. The reason is that, as it was developed, it was possible and is still possible for individuals to run without party affiliation and, provided they get the most votes, they can win. They will be here and will serve in the same capacity as someone who is elected through the party process or is a member of a political party or campaigns with party literature. We have, over the 140 years of using this model, seen fit not to include the party label primarily for that reason: to give individuals who are not affiliated the same opportunity as those who are to seek election and to be seen to be fair on a ballot, listing them only alphabetically and in no other way.

There is another type of system that was studied by the select committee, which exists primarily in Ireland and in Malta, and to some very small extent in the state and senate Legislatures of Australia, called the STV system. It is a system in which parties are important, because the parties determine which candidate they are going to run in the multi-member constituencies. It is the parties that determine the candidate to put forward and the number of candidates they are putting forward, and where it is literally impossible for people not affiliated with a party to be elected. In that, party affiliation is necessary, because in an STV system it would have to be on the ballot.

The same is true with an MMP ballot, the mixed member proportional system, used, with the exception of Britain and Canada, probably everywhere else in the



world. People generally get two votes: one for the person to represent them in the constituency, who is not named as a party member, save and except in Germany; and a second vote for the party they would like to see in the Legislature, where they would cast their second vote. In that system, party affiliation is not necessary and ought not to be put on the constituency level, but it would be absolutely essential if you are casting your second ballot in favour of a party.

The reason I'm talking about this is not to confuse this issue but to simply say that this is what the citizens' committee is going to be wrestling with. They are going to have to look at whether or not the system as it exists is an appropriate one and whether or not it should be changed, and if it's changed, how is the party label attached? This will usurp that function.

I have to say, I'm somewhat puzzled. I remember the heady days—or at least they were heady days for the new Liberal government back in October 2003. They ran an election and won 72 seats. We in the New Democrats were reduced to seven seats. We acted very much as a party, the same as everyone else in that election. We had debates, we had leaders, we had posters and all kinds of literature that went out and ads on television and everything as a party. But when it came to the Legislature on the first day we were here, the Liberal government in their wisdom said we weren't a party. Remember that? We were not a party. We were seven independents. The legislation said we were independents because—

**Mr. Patten:** Because the rules said that.

**Mr. Prue:** Because the rules said that. Then these are the same—

*Interjection.*

**The Deputy Speaker:** Order.

**Mr. Prue:** If we were independents, it's because the election process mandated that you were independent. I have a hard time saying, "You're seven independents in here." It forced Marilyn Churley to change her name at that time to "Marilyn Churley NDP" so she could be recognized in the House for what she believed was a party. Yet here we have a bill that does the opposite.

**Mr. Patten:** It's not the opposite.

**Mr. Prue:** It's the opposite. I didn't heckle a single time when you spoke. I don't know. You must be very bitter about something.

**Mr. Patten:** You are.

**The Deputy Speaker:** Order.

**Mr. Prue:** In the end, we need to do many things. Mr. Sterling was correct that there needs to be a reform of the Legislature, perhaps, so that there is not mindless heckling taking place while members are trying to debate important issues that are before the Legislature and other things that need to be done. That is important. But in the final analysis, a decision has to be made whether this is a good idea. Were we not looking at electoral reform, were we not doing anything else, I would say that this is not a bad idea. Send it to committee, see what people have to say about it, pass it if you want to.

But in the whole analysis of what is taking place, what is going to happen next March or April when 103 citizens

report, what is likely to happen in terms of a referendum, what is likely to happen in terms of discussion and education, what is likely to happen on October 4, 2007, when people will not only vote for a new government but will vote on all of the reforms that the citizens are putting forward, should they put reforms together at all, I do not believe that this should be instituted. I do not believe that it should, if it is passed here today, go to committee. I do not believe anything should happen to it save and except that the citizens' committee should be informed that the members who were here in the Legislature and who voted on this today think it is an idea that they may wish to consider. That is the only thing that should happen to this bill.

**The Deputy Speaker:** Further debate?

**Mr. Phil McNeely (Ottawa-Orléans):** I'll just try to make the point of why we should support this bill, based on being the member for Ottawa-Orléans and a member from the Ottawa community. I'm really pleased that the member for Ottawa Centre, a good friend and a very hard worker for his community and for Ottawa—I'll just try to make the point why we should certainly support this bill.

The member for Lanark-Carleton made a good point. It's one of the few good points that I've heard him make since I got here three years ago. He's a fellow engineer; I should be more supportive. But he said that approximately 50% of people vote party when they get into the booth, so that's an important thing. From my perspective as the member for Ottawa-Orléans, I'd be very proud to have "Liberal" beside my name on that ballot. I think I should have my name and then the word "Liberal" beside it, because I think the record is what we should be running on.

I'd just like to go over the record in Ottawa-Orléans. What the Conservatives did is they closed the Grace hospital. Well, the Liberals added three MRIs, so I think that's a record that we can be proud of. They closed the Riverside hospital; we expanded the Queensway Carleton. So again, it's a record. Let's have the record in there beside our name. I think it's important. What have we done in the preceding years so that the voters should support us?

The Conservatives tried to close the Montfort Hospital, et c'était grâce à Gisèle Lalonde et le groupe de francophones et francophiles à Ottawa qu'ils ont gagné en cour et l'Hôpital Montfort est ouvert aujourd'hui. Ce n'est pas seulement ouvert aujourd'hui; the Liberal government, which I'm a proud member of, will double the size of the Montfort Hospital. That will be great for my community of Ottawa-Orléans. So I want to run on that Liberal record.

The Conservatives tried to close the CHEO cardiac unit. We added newborn screening.

**The Deputy Speaker:** I know the member is going to bring this line of discussion back to Bill 146 and the content of that bill, please.

**Mr. McNeely:** Mr. Speaker, thank you for that.

The purpose, I think, of what is being advanced by the member for Ottawa Centre is that we should have our



party affiliation on the ballot. It is extremely important. It's extremely important if you look at what's happened to our health system. It's important if you look at our record on the education system. It's our investments. Liberals invest in our country and in our province. You look at a federal surplus of \$13 billion, yet no dollars for commercializing our great research that we're doing in this province.

1150

So I think that's what we're talking to: What does that mean? What does Conservative mean? What does Liberal mean? What does the New Democratic Party mean? I think that's what we're talking about. I'd just like to say that I want to run with that label beside my name; I am proud of it. On this side of the House, I think we all want to do that. I can understand that the member from Simcoe–Grey would want to run against the record of that party and so would not want the name there. But I think that we as Liberals on this side of the House feel it is extremely important that the Liberal name be beside our name, because when people go into the polling booth, as they do in our riding, in Ottawa–Orléans—we have a lot of military moving in and moving out, we have a lot of civil servants who are moving in and moving out, and if they move in just shortly before the election, it lets them know what the party affiliation is they would be voting for. I'm very much in favour of that.

I think there are a lot of reasons why we should run on our record. If a party decides to cut all funding for public transit, if a party decides to not have a good environmental program in place, that it's going to ignore Kyoto, that name should go against the name of the person running for that party, because those are their historical positions on important issues and those are going to be their positions on current issues.

I am very much in favour of doing this; I think we should. We have a party system in this province. I'm very supportive of the bill brought forward by the member for Ottawa Centre, and I hope very much that it gets the support of this House. We're all proud of our record. Let's put the name of the party that has that record on the ballot.

**The Deputy Speaker:** Further debate?

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** Thank you for allowing me the opportunity to debate the bill brought forward this morning by the member from Ottawa Centre, Bill 146, the Election Amendment Act.

I do understand and appreciate the intent of the bill in identifying the party affiliation of candidates on provincial election ballots in Ontario, and I support that. There have been times throughout the history of Ontario where there's certainly been confusion—candidates with similar names, which was brought forward today, voters who speak different languages and immigrants, just to name a few.

There is a lot to be said for democratic reform, and it takes different angles. I know the member from Lanark–Carleton is certainly a statesman. He's been in the Legis-

lature for many years, and his comments on this issue also lead us to the behaviour in the Legislature that we need to reform, that this is where a lot of reform needs to take place. I can cite many examples of ministers and members talking back and forth to each other, and that kind of decorum is not an example that we want to present to Ontarians.

Part of this bill is the fact that we're one of only two provinces that do not list party affiliations alongside candidates' names. In 1989, there was a report commissioned, and it recommended these two changes that the member has brought forward. So I certainly hope that the government on that side is going to move forward on this bill.

**Mr. Khalil Ramal (London–Fanshawe):** Thank you for giving me the chance to speak for a couple minutes in support of Bill 146. I'm sorry, I was in a committee and didn't hear all the debate about this bill. But I received Mr. Patten's speech last night and I read it all. I know what he's looking for. There's no doubt about it: The member from Ottawa Centre always brings unique ideas and has a different perspective on many different issues in this House, probably due to his experience in this place, where he has participated in many elections. I think I will take his wise advice as a person with experience, because he's been, as I mentioned, through many elections.

Also, I listened to my friend my colleague from Ottawa–Orléans when he was talking about a very important element: why we have to attach the name of the party to the name of the candidate. It's very important when you have a society or a community with a big university or a military base, for instance, where the soldiers and military move back and forth on a regular basis or the students move back and forth from their locations. So it is very important to attach the party to the candidate's name. Most of the time, people vote for the platform of the party, which is very important. When you have a platform presented by the NDP or the Conservative Party or the Liberal Party, the people, before an election, agree or disagree on the platform of the party. As you know, most of the time, realistically, most people in this place, whether they're from the opposition or the governing party, vote with their government, vote for their platform and fight for their platform.

This gives some kind of democratic process to elections, when we allow the people of Ontario, the electorate, to know exactly what they're voting for when they go to vote, to know exactly what they are getting when they vote for one party or another party, which I think is very important, because most of the time we vote for the platform; we don't vote for the individuals. Due to respect for many individuals, the candidates, in the province of Ontario, many people who don't like the party like its members. But in general, to give an indication of a very good range of approaches to the democratic process, I think we have a right to apply some kind of mechanism that will allow the people to know which party they are voting for.



So I agree with the member from Ottawa Centre. He brings a very unique perspective. As we are reviewing the Election Act at the present time, a part of it should be to look at adding the name of the party before the name of the candidate. Then I think we will have applied the full democratic process.

I know the citizens of this province are always looking at us as the people who represent them. They want to see a full presentation, they want to see their views being implemented and reflected in this place. Therefore, I think it's very important to add the affiliation of the party before the name of the candidate. It's very important to allow whatever party has a good platform, whether it's on education or health care or infrastructure, to be elected.

So in the end, I support my colleague from Ottawa Centre. Hopefully all members of this House will give him support, because it's very important for our democracy.

**The Deputy Speaker:** Mr. Patten, you have two minutes to respond.

**Mr. Patten:** I want to thank the members who have spoken on this, regardless of their views. I think it's an important issue, albeit a small step on the long road of democratic reform, of which many of you have spoken.

I thought the first member who spoke, the member from Lanark-Carleton, shared some insightful information, something that has some validity, by sharing some views of the studies which show that party affiliation is the basis on which most people do things.

This particular bill, by the way, would identify independent people, so that for the member from Beaches-East York, when he worries about the nature of affiliation, an independent would be identified. I think of somebody who runs as a Liberal one time and then has a falling out with their party and runs again. People may think, "Well, that person is still a Liberal," but in the next election the person would be identified as an independent, and that would clarify that for people as they were engaging in this.

By the way, for the member from Beaches-East York, this bill is different from last time. I remember some people were concerned about asking the parties to sign off on who the candidates representing the party might be. But you'll have to agree that whatever your basis is, each party has to endorse a candidate to use their party affiliation. That's why I took that section out as to however that is done.

I also agree that the citizens' assembly might want to address this. I'll try to see if there's a way in which I can in fact introduce this concept to them, because it seems to me most members are in agreement with this. The fact is that we are out of step with our siblings across Canada. There is some reason why they have found this to be useful and continue to promote it, and I hope that members will support this.

**The Deputy Speaker:** The time provided for private members' public business has expired.

## TRANSCANADA HIGHWAY IMPROVEMENT ACT (HIGHWAY 17), 2006

### LOI DE 2006 SUR L'AMÉLIORATION DE L'AUTOROUTE TRANSCANADIENNE (ROUTE 17)

**The Deputy Speaker (Mr. Bruce Crozier):** We'll first deal with ballot item 55, standing in the name of Mr. Orazietti.

Mr. Orazietti has moved second reading of Bill 149. Is it the pleasure of the House that the motion carry? Carried.

**Mr. David Orazietti (Sault Ste. Marie):** I'd ask that the bill be referred to the standing committee on general government.

**The Deputy Speaker:** It has been asked that the bill be referred to the standing committee on general government. Agreed? Agreed.

## ELECTION AMENDMENT ACT, 2006 LOI DE 2006 MODIFIANT LA LOI ÉLECTORALE

**The Deputy Speaker (Mr. Bruce Crozier):** We shall now deal with ballot item 56. Mr. Patten has moved second reading of Bill 146, An Act to amend the Election Act. Is the pleasure of the House that the motion carry?

All those in favour, say "aye."

All those opposed, say "nay."

In my opinion, the ayes have it. Carried.

**Mr. Richard Patten (Ottawa Centre):** I'd like to refer this bill to the standing committee on public accounts.

**The Deputy Speaker:** It has been asked that this bill be referred to the standing committee on public accounts. Agreed? Agreed.

All matters relating to private members' public business having been dealt with, I do now leave the chair. The House will resume at 1:30 of the clock.

*The House recessed from 1201 to 1330.*

## MEMBERS' STATEMENTS

### NATIVE LAND DISPUTE

**Mr. Norm Miller (Parry Sound-Muskoka):** After eight long months of increasing tensions and disruptions in Caledonia, the Premier now says it's time to shift the problem entirely to the federal government. He is even going to give them a bill for his mismanagement, all of which seems to be an attempt to divert attention from this government's abysmal response in Caledonia. Let me give you some examples of the responses to date by this government.

In response to questioning about the cost, the minister said, and I quote, it would "cost what it costs." Now that

the costs have mushroomed, the Premier has suddenly decided to present a bill to the federal government, including policing costs, which are a provincial responsibility. Yet the federal government says to date it has received no formal request for compensation.

Earlier this year, Minister Ramsay said, "The dispute really is an accounting claim, by and large. While there are some particular parcels that are involved in a land claim, the overall dispute is an accounting claim." The minister boasted that the province was taking a lead role in Caledonia, and the Premier stated that he took pride in working hand in hand with the federal government every step of the way. In June, the Premier stated firmly that community safety was a condition of further negotiations, and yet, to date, the people wanted for serious charges remain at large.

All the people of this province can know with certainty is that this government and this Premier will say whatever is most advantageous at the time.

#### WORLD PSORIASIS DAY

**Ms. Jennifer F. Mossop (Stoney Creek):** It seems that there are days, weeks and months set aside to celebrate, acknowledge and raise awareness around so many causes, concerns and issues, many of which—most of which, actually—are noted, even founded inside this Legislature. October 29 is no different.

For a number of years, various patient groups discussed the idea of having an annual day especially dedicated to people with psoriasis. In 2004, members and non-members of psoriasis associations all around the world launched World Psoriasis Day to raise awareness of psoriasis and psoriatic arthritis. World Psoriasis Day is truly a global event, giving voice to the 125 million people with psoriasis and psoriatic arthritis around the world. World Psoriasis Day aims to raise the profile of a condition which needs to be taken more seriously by international and national authorities. People with psoriasis need to know that they are not alone, and others need to understand that while psoriasis is not contagious, it is a disease that can be quite devastating and cause much misery to its sufferers.

As with many health issues, there is little comfort level with discussing psoriasis, but if we are to achieve better health care options for its sufferers, we need to be more forthcoming in our discussions. This statement is an attempt to make a contribution to that end. This October 29 is an opportunity for us all to educate ourselves about psoriasis and to show our support for its sufferers.

#### WATER QUALITY

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I rise today to state the clear position of John Tory and the PC caucus with respect to Bill 43. We on this side of the House have stated from the very beginning that we fully support clean water and source water protection for On-

tarians. The McGuinty intention with Bill 43 has never been about clean water; it has everything to do with downloading legal and financial obligations.

It's important to correct what a number of members across the way have tried to suggest, and it's a shame that they have stooped so low in their partisan ways and are trying to make fools of Ontarians. The member for Stormont–Dundas–Charlottenburgh, the member for Ancaster–Dundas–Flamborough–Aldershot, the member for Scarborough Centre, the member for Perth–Middlesex, the member for Lambton–Kent–Middlesex, the member for Northumberland, the member for Huron–Bruce and, of course, the Minister of the Environment, who is gleefully carrying the baton in this relay of inaccuracy—I say to those members, how dare you turn your clean water into a political issue?

Shame on you for trying to make fools of hard-working Ontarians, and shame on you for breaking your promises and doing anything to get elected. If any one of the members I've mentioned had one ounce of courage, they would come clean with the people of Ontario and say this bill does not do what they are pretending it does.

The minister says they're rolling up their sleeves on that side of the House. If that's what you call avoiding responsibility, hiding behind yet another layer of bureaucracy, downloading responsibilities and providing inaccurate information to Ontario, Minister, you're doing one heck of a good job.

#### RELIGIOUS HOLIDAYS

**Mr. Peter Tabuns (Toronto–Danforth):** Toronto and Ontario have been witness to great festivities in recent days as three of Ontario's major faith communities all marked significant occasions on their religious calendars. The Muslim community celebrated Eid, the Hindu community celebrated Diwali and the Sikh community celebrated Bandi Chhor Divas.

In addition to timing, another similarity these occasions share with one another is how they touch upon themes like transcendence over intolerance, altruism and community building. Eid marks the end of the holy month of Ramadan, a time of worship and contemplation. The month also teaches social consciousness and solidarity. Diwali commemorates Lord Rama's return after 14 years in exile and the victory over darkness. The Sikh community commemorates Guru Hargobind Sahib's return from being jailed as a political prisoner.

My riding of Toronto–Danforth is home to followers of all three faiths, many of whom converged at Gerrard India Bazaar, also in my riding, this past weekend as it hosted a vibrant celebration to honour this auspicious time amongst believers.

I wish to take this opportunity in the Legislature to again wish my constituents from all three communities, Eid Mubarak, Shubh Diwali and Bandi Chhor Divas Mubarak.



### MAC CUDDY

**Mrs. Maria Van Bommel (Lambton–Kent–Middlesex):** Words like “hard-working, driven, ambitious, competitive and proud” would appropriately describe Mac Cuddy. This self-made millionaire was born on a farm near Kerwood and was a graduate of the University of Guelph. In 1950, he started his business with the purchase of a farm and 1,500 turkeys near Strathroy.

Mac Cuddy was more than a producer; he was a natural geneticist. Together with his friend George Nicholas, they developed the first white turkey, which was more tender and better muscled than the black birds we had traditionally seen on our tables. Mac wanted to make turkey more than just a Thanksgiving and Christmas meat, so the business continued to grow as the turkey king of Canada expanded into processing, marketing and transportation.

Soon, one in every six turkeys sold in the world came from a Cuddy egg. By the 1980s, Cuddy Food Products had won the Canadian contract to supply chicken McNuggets and filets to McDonald’s restaurants.

He received many honours for his work as an innovator in the agri-food industry. For many years, Mac Cuddy was one of the largest employers in his hometown of Strathroy, and he supported its residents by generously donating to local charities and events. In return, the community of Strathroy has taken its identity from its association with Cuddy Farms. We have our annual turkey fest and proudly call ourselves the turkey capital of Canada.

The original brick house still stands as the family home. That’s where Mac Cuddy died last Wednesday of complications from his 19-year battle with multiple sclerosis. He was 86 years old.

### SUPPLY MANAGEMENT

**Mr. Toby Barrett (Haldimand–Norfolk–Brant):** Liberals will say anything to get re-elected, as they’ve shown with their false rhetoric about the Ontario Landowners and supply management. But remember, one doesn’t look behind the bedroom door unless one has hidden there himself, and the Liberals have been hiding behind that bedroom door for quite some time.

On October 5, I met with the Ontario Landowners. The next day, the landowners sent out a press release, and now the Liberals are calling it a secret meeting. Let me quote a September 21 letter from the Ontario Landowners: “We are currently making arrangements to meet with the members of the Liberal Party’s rural caucus to voice our concerns with the problematic pieces of legislation. They appear to be quite eager to accommodate us.” The Liberals offered two possible dates for their secret meeting. Why are the Liberals being so secretive? What are they hiding?

Yesterday, George Smitherman questioned opposition support for supply management. My question: Why hasn’t he signed on his support for FarmGate5? It’s not

just him; 31 Liberals oppose supply management. I’m proud that every PC member has signed the FarmGate5 initiative supporting supply management. But this raises the question, if George Smitherman massaged the facts in his most recent press release, can we really believe anything the Deputy Premier has to say?

1340

**Mr. Dave Levac (Brant):** On a point of order, Mr. Speaker: In terms of decorum in the House, I believe a different way of saying that someone told an untruth was just done, and I think it should be withdrawn.

**The Speaker (Hon. Michael A. Brown):** While it is a point of order, I am not exactly certain that that’s what occurred. But I know that all members will try to use their best judgment in ensuring that not only the strict rules are adhered to, but the general spirit of the rules is adhered to.

### AMYOTROPHIC LATERAL SCLEROSIS

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** Amyotrophic lateral sclerosis, often referred to as Lou Gehrig’s disease, is a progressive neurodegenerative disease that affects nerve cells in the brain and spinal cord. Motor neurons die, and the brain’s ability to initiate and control muscle movement is lost. Patients in the late stages of the disease may become totally paralyzed, although, for the vast majority of people, their minds remain unaffected. Sadly, in all cases, ALS is fatal.

Across the country, 3,000 Canadians live with ALS. One of these individuals is Don Genier, who lives in my riding of Stormont–Dundas–Charlottenburgh. Mr. Genier, a former OPP constable, faces his disease bravely and with the unwavering support of his loving wife, Traci Trotter, and his extended family of Corus Entertainment, our local radio station. Tonight, Corus Entertainment will be presenting a concert at Aultsville Theatre that will draw awareness to the disease while simultaneously raising funds to help Mr. Genier find alternative treatment for his condition. This concert will feature prominent local talent from eastern Ontario, with performances by Ashley MacLeod, the Bobby Lalonde Band and Traci Trotter’s own sister, Kelli Trotter, who is an outstanding fiddle player.

I wish to draw to the attention of this House the situation faced by those suffering from ALS, and to wish Mr. Genier and his family the best of luck with the concert this evening. Certainly, they will be in the thoughts and prayers of all those attending.

### REPORT, OFFICE OF THE INTEGRITY COMMISSIONER

**Mr. Mario Sergio (York West):** Yesterday the Honourable Coulter Osborne, Integrity Commissioner of Ontario, tabled a report in this House that found that the member from Leeds–Grenville violated the Members’ Integrity Act when he tried to influence a criminal court



proceeding related to Louise Russo. I filed that complaint on behalf of my constituent. The Integrity Commissioner ruled that Mr. Runciman's statements were a clear violation of the Members' Integrity Act and were intended to influence the criminal proceedings before the court.

Mr. Runciman owes Louise Russo an apology for his bully tactics and his attempt to revictimize her. This ruling is a vindication for Miss Russo and our justice system, and a harsh rebuke of Mr. Runciman and his bullying ways. What's worse is that Mr. Runciman and the Leader of the Opposition are now turning their cheek to the violation of the Members' Integrity Act and turning their backs on Louise Russo. Yesterday, the member opposite showed no remorse and said that, if given the chance, he would attempt to interfere with court proceedings again. At the time, Ms. Russo's attorney said that Mr. Runciman's bullying caused her great distress and that she feels she is at risk of being further victimized.

Thank goodness Mr. Runciman's bully tactics did not work. The criminals were punished and Ms. Russo got the order she deserves. I am demanding that Mr. Runciman do the—

**The Speaker (Hon. Michael A. Brown):** Thank you. Members' statements?

#### JUSTICE SYSTEM

**Mr. Brad Duguid (Scarborough Centre):** I'm proud of the investments this government has made to strengthen our justice system. Ontarians should know that we're investing \$300 million more now in justice initiatives than back in 2003. Actions speak louder than words: 59 more judges; 83 new crowns; more than 1,000 new police officers on the front lines; 67 new parole and probation officers hired; new courthouses; and the creation of a guns and gangs unit that has successfully made the streets of Toronto safer today than they were the summer before.

Members of the opposition would like you to believe that they're tough on crime, yet one quick glance at their record proves this is certainly not the case. As a former minister, Bob Runciman knows full well that his party slashed \$181 million from the Ministry of Public Safety and Security. To that I say shame.

Now the Leader of the Opposition and other members of his caucus are having secret meetings with a radical right-wing group that breaks the law and threatens OPP officers. The Liberal government has shown support for front-line officers by investing in over 1,000 new police. We've invested in the correctional system by keeping jails open and bringing a Tory private jail back into the public fold. We changed the crown policy manual so that crowns always oppose bail for gun crimes wherever possible—something the Tories never did. We stand for law and order and peace and stability, and the members opposite stand up for people like Randy Hillier, who brags about breaking the law.

Unlike the Tories, who—

**The Speaker (Hon. Michael A. Brown):** Thank you.

#### MOTIONS

#### HOUSE SITTINGS

**Hon. Kathleen O. Wynne (Minister of Education):** On a point of order, Mr. Speaker: I ask for unanimous consent to put forth a motion without notice regarding meeting times of the House.

**The Speaker (Hon. Michael A. Brown):** Agreed? Agreed.

**Hon. Ms. Wynne:** I move that when the House adjourns on Thursday, November 2, it stand adjourned until Tuesday, November 14, 2006.

**The Speaker:** Is it the pleasure of the House that the motion carry? Carried.

#### STATEMENTS BY THE MINISTRY AND RESPONSES

#### ECONOMIC OUTLOOK AND FISCAL REVIEW

#### PERSPECTIVES ÉCONOMIQUES ET REVUE FINANCIÈRE

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I rise today to present the 2006 Ontario Economic Outlook and Fiscal Review and the second quarter financial results.

J'ai l'honneur aujourd'hui de vous présenter les Perspectives économiques et revue financière de l'Ontario de 2006, ainsi que les résultats financiers pour le deuxième trimestre. Ces résultats, those results, indicate that we are on track to meet the fiscal plan for 2006-07.

At the same time, by next year, the province's treasury will begin to feel the impact of an economy that is growing more modestly than expected even just a few months ago.

Since we came to office, Ontario has benefited from sustained economic growth. That growth is rooted in our plan designed to enhance Ontario's long-term success.

Notre plan vise—

**Mr. Frank Klees (Oak Ridges):** On a point of order, Mr. Speaker: I want to point out that we do not have copies of this statement. Are we not, as members, entitled to have a copy of this statement?

**The Speaker (Hon. Michael A. Brown):** My understanding is that there were copies delivered to the leader and critics of the various political parties in here, is that not correct?

**Mr. Klees:** Members of the government have copies. It has been traditional, Speaker, that members of this Legislature—

**The Speaker:** This is a ministerial statement. Everything that's happening is in order and is according to tradition, as I understand it. Minister of Finance.

**Hon. Mr. Sorbara:** Thank you, Mr. Speaker.



Notre plan vise à consolider l'Ontario en investissant dans la santé.

1350

**Mr. Ted Chudleigh (Halton):** No respect for the traditions of this House.

**The Speaker:** The member for Halton will come to order.

**Hon. Mr. Sorbara:** As I was saying, it is a plan to build a stronger Ontario by investing in the health of our people, by investing in the education of our people and by investing in the competitiveness of our people. It's a plan designed to ensure that Ontario succeeds over the long term.

It's been a busy three years. Cast your mind back to 2003, when our public education system was failing our students, when our public health care system was anything but healthy, when public transit was an orphan of public policy, when investment in post-secondary education and training lagged badly, when provincial and municipal governments were at loggerheads, when Ontario woke up to a \$5.5-billion deficit. In simple terms, our mandate three years ago was to build a better Ontario. Notre mandat il y a trois ans était de bâtir un meilleur Ontario.

Today, our school system has more teachers, smaller class sizes, higher test scores and improved school buildings. Today, better primary care, community care and long-term care are improving the health of Ontarians. Today, hundreds of thousands of students are benefiting from our historic \$6.2-billion investment in post-secondary education. Today, construction workers are building more than \$30 billion worth of public infrastructure through ReNew Ontario. We are investing \$1.2 billion in new transit and municipal roads and bridges across the province. We have a comprehensive energy plan that secures electricity supply and encourages conservation. And today, the province's finances are managed with the transparency and prudence required by a thriving democracy.

Ontarians know and appreciate the progress that we've made thus far, and they know that there is much more to do.

There are business cycles to every healthy economy. Aujourd'hui, l'Ontario connaît une période de croissance économique plus modérée. Today, Ontario is in the midst of a period of somewhat more modest economic growth. Just months ago, most economists expected Ontario's economy to grow at a higher rate than was predicted in our budget. Since that time, several external factors have changed those expectations. There's slower growth in the US economy; that's Ontario's largest trading partner. A slowdown there has an immediate impact here. The Canadian dollar hit a 28-year high in May of this year. A higher dollar challenges the ability of Ontario's exporters to compete. Oil prices reached a record high of more than US\$78 per barrel in July of this year. Higher oil prices are tough on businesses everywhere; they're tough on businesses in Ontario. Indeed, higher oil prices are tough on individual Ontarians and their families. These and

other factors have led private sector forecasters to reduce their expectations of growth for Canada and Ontario in the near term.

Let's be clear: The economy is growing and is creating jobs, and it will continue to do so. Our concern is that most experts predict slower growth in the short term. Let me explain. On average, private sector forecasters expect Ontario's real GDP growth to be 1.7% in 2006, 2.1% in 2007, and 3.1% in 2008. At the same time, the Bank of Canada has recently said that interest rates will remain unchanged for now. Some economists predict lower interest rates over the next few months. I say that that would be welcome news in Ontario.

Our practice is to take into account the risks on the horizon and adjust our fiscal plan accordingly. So the Ministry of Finance now projects real GDP growth of 1.6% in 2006. That's down from the 2.3% projected in the 2006 budget. However, by 2008 we expect a return to growth of 3%, and that's just up from the 2.9% that was projected in the budget earlier this year. In other words, this period of more modest economic growth represents a kind of bridge to a new cycle of expansion within an economy that is fundamentally strong.

Let us remember in this House that economic forecasts are more than lines on a graph and percentages on a page. Slower economic growth has real impact on real people and the communities they live in. Our responsibility is to take steps that will mitigate that impact. So our ongoing strategic and long-term investments in people and the economy will continue, and in addition we will focus on four key areas:

(1) We'll focus on services and programs to help job-threatened and laid-off workers.

(2) We are going to fast-track a number of infrastructure projects to generate immediate economic activity and job creation.

(3) We are going to encourage interprovincial trade, including matching the industrial needs in Alberta with industrial capacity in Ontario, and we're going to explore the merits of joining the Alberta-British Columbia trade agreement.

(4) We are going to launch a new campaign to encourage Ontarians to vacation and travel in their own province, right here in Ontario. We want to strengthen tourism, because it is one of the most important sectors of our economy.

This year, we have also agreed to a single corporate tax administration system, we've proposed a new, enhanced dividend tax credit, and we have accelerated a capital tax rate cut. All of these things will help to create jobs and generate new investment in the province.

The current period of more moderate economic growth will have an impact on our financial plan. To be sure, we've made real progress on eliminating the \$5.5-billion deficit that we inherited. Indeed, the public accounts for last year, 2005-06, show a modest surplus of about \$300 million for that year. In 2006-07, that is the current year, we continue to project a deficit of \$1.9 billion. Now, if the reserve is not required, the deficit would be about \$900 million. However, for the time



being, we are adjusting our medium-term forecasts as set out in the March budget.

So if current economic trends continue, our 2007-08 deficit is projected to be \$2.2 billion—that's up from \$1.5 billion—and that is largely due to the slowing US economy, the value of the Canadian dollar and rising oil prices. If the reserve is not required, the deficit would be about \$700 million. However, by 2008-09 we expect a \$500-million surplus, again, if the reserve is not required.

1400

Let me be clear: We are determined to reach the firmer fiscal ground of sustainable balanced budgets. Ontarians expect no less from us. But remember, slower economic growth means reduced revenues and greater spending pressures, so achieving our goal will require even more prudence and greater discipline in managing our expenditures and, indeed, managing expectations.

One of the greatest risks we face comes from the possibility that the federal government will not live up to its obligations to the people of Ontario and to our government. La possibilité que le gouvernement fédéral ne respectera pas ses obligations envers la population ontarienne et envers notre gouvernement représente un très grand risque.

According to a recent article by TD chief economist Don Drummond, and I quote, "The net federal take from Ontario represents a huge fiscal drag that makes it difficult for the Ontario economy to compete." Premier McGuinty fought that battle on behalf of Ontarians when he negotiated the \$6.9-billion Canada-Ontario agreement with the federal government.

**Hon. Mr. Sorbara:** That agreement was intended to help address the unfair gap between what Ontarians send to Ottawa and what they receive back. Prime Minister Harper endorsed that agreement, but so far his government has failed to honour that agreement. La population du Canada et la population de l'Ontario s'attendent à ce que le gouvernement fédéral tienne parole. The people of Canada and the people of Ontario expect the federal government to keep its word.

Let me be very specific. We look forward to a full funding of the Canada-Ontario agreement. We look forward to a true partnership in major Ontario infrastructure projects, including public transit and the North American gateway. We look forward to addressing the inequities in the distribution of the Canada health transfer and the Canada social transfer. We look forward to implementation of the labour market partnership agreement to provide training and employment assistance. We look forward to employment insurance rules that treat Ontarians as fairly as workers in other parts of Canada. Did you know that, on average, unemployed Ontarians receive some \$3,600 less in employment insurance benefits than unemployed workers in other parts of Canada?

*Interjections.*

**The Speaker:** I'm having great difficulty hearing the minister over top of the interjections. I need to be able to hear him. Minister?

**Hon. Mr. Sorbara:** We invite the people of Ontario to join with us as we continue to press the federal gov-

ernment to honour its commitments to our government and to honour its responsibilities to the people of Ontario. Anything less is just not good enough.

The Ontario economy has performed well. L'économie ontarienne se porte bien. It has created more than 250,000 new jobs in the past three years. Elle a créé plus de 250 000 nouveaux emplois ces trois dernières années.

Our investments in health care, our investments in post-secondary education and our investments in infrastructure have made a real difference to the lives of Ontarians. But we're facing an economy that is growing at a slower rate. That is why we are taking the actions that we are taking, that is why we will continue our prudent and disciplined fiscal approach, and that is why we will continue to insist that the federal government treat Ontarians fairly.

As we prepare for next year's budget and as we reshape our strategy for the years to come, I want to hear from Ontarians in every walk of life and from every corner of the province. I want to hear from you because we have so much more to do and we can do it so much more effectively if we do it together. Together, we can unlock the real potential of this province and of the 12.5 million people for whom this magnificent stretch of land is home.

**The Speaker:** Responses?

**Mr. John Tory (Leader of the Opposition):** I rise to respond on behalf of the official opposition to what I think most people across the province are going to find is a profoundly disappointing statement.

I think oftentimes when you have no plan, it's difficult to come in and really tell us what's next in terms of trying to move the economy forward. There were words used today like "bridge" or "cycle," or the Premier made reference to an "inevitability," but the fact is that while the McGuinty Liberals sit comfortably here in Queen's Park spending hard-earned taxpayers' dollars on a lot of projects that I think many Ontario taxpayers would call into question, at the very same time that their punitive taxation levels—

*Interjections.*

**The Speaker:** Order, Minister of Economic Development and Trade. Stop the clock. I need to be able to hear the Leader of the Opposition.

**Mr. Tory:** The fact is that the punitive taxation of the McGuinty Liberals, the illogical regulation and the irresponsible spending are leaving a lot of Ontarians gasping for air, and they won't have received any oxygen as a result of what they saw today.

We know there's somewhere in the neighbourhood of 100,000 manufacturing jobs that have been lost in this province in the past year alone, 4,000 forestry industry jobs lost, an unemployment rate that is higher than the national average for only the second time in 30 years, and the RBC report, to name one, says we're going to be dead last this year in terms of projections for economic growth. Yet they find an economic update statement from the Minister of Finance today and from the McGuinty government that has more time devoted to reciting things



from the past or to criticizing others than it does to actually outlining any concrete initiatives whatsoever that are going to be taken for real people in this province. There's about a third of a page that is allocated to saying they're going to focus on certain things. We've come to learn with these people that when it's comes to focusing on or promising to do or committing to do anything, we mightn't have even wasted the paper and the ink to put that down.

Do we have a comprehensive plan to help families and communities hard hit by job losses? The answer is no, but we have \$6 million to drop the C from the logo of the lottery and gaming corporation.

Les 90 000 familles en Ontario qui ont perdu des emplois dans l'industrie cette année n'ont rien reçu de M. McGuinty. Même si les constructions se font, ça ne sera d'aucune aide pour ces familles.

1410

Do we have any initiative at all to attract and retain investment in Ontario by addressing some of the taxes that discourage investment in this province? No, but we have \$91 million to fire nurses we desperately need in Ontario.

Do we have any meaningful help for farmers, who are still themselves gasping for air across the province and hurting as badly as ever? No, but we have \$20 million to give to Liberal appointees in raises for people who serve on boards, agencies and commissions.

As we see the government ramp up spending by billions more than their own projections already this year—barely halfway through the year they've already spent \$1 billion more than their own plan, which they put forward a few months ago—do we have any relief at all for the taxpayers out there who Mr. Dodge says are going to be the only people, despite the McGuinty government, who are going to keep the economy from slipping into recession? There is no relief for them at all. They get it in the neck on an ongoing basis with the health tax. There's nothing for those people at all, and yet at the same time there is \$100 million in partisan propaganda ad campaigns financed by those very same taxpayers who are getting it in the neck from this government.

This government's revenue, without the health tax revenue, is now \$2. 7 billion more than they said they needed in their own election platform. Clearly they're spending the money they've taken in on a tax they said they would not bring in—the biggest broken promise of all—on everything but health care. It's on all kinds of ad campaigns and logo changes and firing nurses and severance payments and so on and so forth. This government is so out of touch—

*Interjections.*

**The Speaker:** I'm sorry. I need to be able to hear the Leader of the Opposition. Minister of Health, I'm going to warn you for the last time.

**Mr. Tory:** The 16 people lying in the emergency room at the hospital in Brantford, where I was yesterday, waiting for a bed upstairs got nothing in this statement. The 35 people in the acute care beds upstairs in that same hospital, waiting for a long-term-care bed, got nothing.

People who are losing their jobs—425 of them at NRI Industries in Toronto who heard about that yesterday—there's nothing, not one thing in this statement for them. The small business people I met in London last night, who are struggling to stay open in light of the regulation and taxes imposed by this government, got nothing.

This is a plan from a government that promised to responsibly spend money; it has failed that test. It promised not to raise taxes; it has broken that promise many times over. This government is disconnected from reality. It is disconnected from the lives of ordinary families who are out there struggling to stay afloat and keep going, and they're down here having a champagne party to celebrate their so-called success, to wallow in an orgy of self-satisfaction and self-congratulation. That fails the test of leadership, and the people will see through that by the time of the next election.

**Mr. Howard Hampton (Kenora–Rainy River):** In year four of the McGuinty government, they suddenly discover that hundreds of thousands of Ontarians have been losing good jobs, well-paying jobs. Everyone else in the province has realized this has been going on for a couple of years now, but it takes the McGuinty government until year four before they finally wake up and recognize the social and economic reality that literally hundreds of thousands of working families have been struggling with for the last two and a half years.

But what is incredible is the so-called plan to respond to this. For eight years, the former Conservative government said the answer to every problem was another tax cut. So what do we hear from the McGuinty government in terms of a plan to address this? Well, they want to give more corporate tax cuts and a dividend tax cut. Boy, is that ever novel, coming after eight years of Conservative government that said the answer to every problem is a tax cut.

This government talks about services and programs to help job-threatened and laid-off workers. The only thing that's happening that I can see is workers getting a ticket to British Columbia, to Alberta, to Saskatchewan. That's the only help that's happening out there. This government talks about fast-tracking infrastructure projects. People have been telling you for over two years that we're losing jobs. You're too late—much too late. Anything you start now is not going to have an effect for all those hundreds of thousands who have already lost their jobs.

And then, finally, a new campaign to encourage Ontarians to vacation in Ontario. Let me tell you, forestry workers in northern Ontario who lost their jobs can't afford to go on a vacation. Auto sector workers who've lost their jobs can't afford to go on a vacation. Women who are working two and a half and three jobs trying to pay the rent and put food on the table don't go on a vacation. What world is the McGuinty government in? The people who are struggling out there don't have money sometimes even to pay the rent, never mind go on a vacation.

Do you know what is really sad about this? Let me give you an example: Two and a half years ago, the pulp



and paper sector came here during the Bill 100 hearings on the McGuinty government's electricity policy. They said, "Things are so tough in the pulp and paper sector that if you do as you plan to do, drive hydro rates through the roof, you will kill tens of thousands of jobs in the pulp and paper sector." Do you know what reception they got from the McGuinty government? They got the back of the hand. These are people who were very earnest, very honest. They came here and said, "If you do this, if you drive hydro rates through the roof, you'll kill tens of thousands of jobs."

What did the McGuinty government do? At the worst possible time, they drove hydro rates through the roof. And what has happened? In Kenora, Dryden, Thunder Bay, Red Rock, Smooth Rock Falls, Espanola and now Sault Ste. Marie, thousands of jobs have been destroyed, and now we're seeing the derivative and spin-off jobs being destroyed.

Another example: One of the advantages of the Ontario economy, an historic advantage, has been our hydro rates, as compared to Michigan, Ohio, New York and Pennsylvania. The McGuinty government has given that economic advantage away.

What's one of the other advantages that we've had? It's called the medicare advantage, the fact that medicare is so cost-effective compared to private health insurance in the United States. Some economists have said it amounts to \$4,000 per manufacturing job. That's how much less expensive health insurance is here compared to the United States. But what have we seen under the McGuinty government? Well, we've seen more profit-driven private delivery of home care, more profit-driven private delivery of long-term care, and now we're seeing profit-driven private finance of hospitals. And what do we know? We know that that hospital financing costs a lot more. Even the Premier said, in reference to the Brampton profit-driven private finance, that it will probably add \$150 million to \$200 million to the bill. That's what it's adding. But now the McGuinty government wants to have 30 profit-driven private finance hospitals. Do a little multiplication: \$200 million added per hospital, 30 hospitals; \$6 billion added to the health care budget.

This government, besides giving away the hydro rate advantage, is now giving away the medicare advantage. As you give one economic advantage after another away, it's no surprise that these good jobs are going to disappear. I say there's no plan here, a lot of words but no plan from a government that's in fact making things worse.

## ORAL QUESTIONS

### ONTARIO ECONOMY

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. I think that many people

across the province will indeed find the economic statement today very disappointing in many respects. It's certainly a disappointment for the people of Burlington, where 300 people will be out of work by Christmas as Ball Packaging closes its doors. It's a disappointment for the 140 more Domtar employees, this time in Nairn Centre, who lost their jobs on October 13, 2006. It's a disappointment for the 300 employees at the Hamilton Community Care Access Centre who are facing the prospect of unemployment, and it's a disappointment to the 425 people I mentioned earlier at NRI Industries in Toronto, who found out just yesterday they're going to lose their jobs.

My question is this: Why didn't the Premier take this prime opportunity for an economic update to announce the comprehensive job strategy that all sides of this House voted for on December 8, 2005? Why didn't you do it?

1420

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Finance.

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I want to make this point really clear to the Leader of the Opposition, that our primary concern as we manage our way through this more modest period of growth is for the plight of individuals, workers and their families whose jobs are threatened or who might be laid off or are laid off. That's our primary concern. That's why in the statement I just made, the first initiative that we're going to take is additional assistance in that area.

I think it would be incumbent upon the Leader of the Opposition to actually read the documentation where outside economists, including people like David Dodge, say that not only are we continuing to grow in Ontario and continuing to create jobs, but the fundamentals in the Ontario economy are very strong indeed under the leadership of this Premier.

**Mr. Tory:** Mr. Dodge and many other people have talked about the punitive levels of taxation, for example, that discourage investment in this province. What we have here is the minister saying it's going to be his first investment, and that's after they use words like "bridge," "cycle" and "inevitability," and the Premier calls these job losses "a little bit of contraction."

But the fact of the matter is, this House had a debate on this subject about job losses probably 30,000 job losses ago. We passed a resolution, supported by all sides of the House, calling on the government in December 2005, almost a full year ago, to bring in a comprehensive strategy for people losing their jobs. Now we have you telling us today—it's like, "Trust me, I won't raise your taxes"—same thing.

Why has it taken you a year to stand here today and tell us that you're now going to bring it forward as your first initiative? You've had a year to do it. Your own people voted for it a year ago. Why isn't it done? When are we going to see the plan? What day specifically?

**Hon. Mr. Sorbara:** My friend the Leader of the Opposition knows as well as he knows his own name that



within this government, specifically the Ministry of Training, Colleges and Universities, there are a number of broad programs to assist workers in these situations.

What I said today is, given this more moderate period of growth, we are going to add more energy, more resources and more influence in those programs because, for the time being, we're seeing some layoffs in manufacturing.

He should also know that the good news for this year is that this economy will actually create more jobs than were anticipated in the budget of last March. At that time, we were anticipating job creation of about 85,000. The new number is about 92,000, given the strength of the economy in a wide variety of its sectors.

**Mr. Tory:** I say to the minister, with respect, there just isn't the sense of urgency there. He talks about "some layoffs" that have taken place. "Some layoffs" is now approaching 100,000 jobs that have been lost, 100,000 families who are without a paycheque, who are without the kind of stable, long-term job they had for years and decades in many cases, and you talk about it as "some layoffs," and you talk about "cycles," "bridges," "inevitable" and things like this. The fact of the matter is, there is no plan. You say you're going to make some minor augmentation, or whatever the words were you used.

What this House voted for, including many members of the Liberal Party, was a comprehensive plan to help people who have lost jobs. If you can't bring yourself to bring in a plan like that, then why didn't you at least show some sense of recognition of the businesses that are struggling under your high-regulation, high-tax regime and are being discouraged from investing, or show consideration for the taxpayers who are getting it in the neck with the health tax brought in by your government? Why couldn't you help either of them if you couldn't see your way clear to bring in a plan to help people get their jobs. You didn't do anything for anybody in this—

**The Speaker:** Minister.

**Hon. Mr. Sorbara:** I guess one just need not look for consistency in the views of the leader of the Conservative Party in this province. He is the one who wants to cut taxes and remove \$2.5 billion from our budget. At the same time, he wants a comprehensive program. And then he'll go to the Albany Club or someplace else and talk about the fact that he's going to do all that and have marvellous surpluses.

I simply want to advise my friend that one of the things he's going to need as we come closer to a campaign is credibility in program, and right now my friend simply does not have that.

#### ONTARIO LOTTERY AND GAMING CORP.

**Mr. John Tory (Leader of the Opposition):** My question is for the Premier. Yesterday, in response to allegations made on the Fifth Estate and questions by our caucus, the Minister of Public Infrastructure Renewal

said he had written to Duncan Brown, head of the Ontario Lottery and Gaming Corporation, and asked for a "review and analysis." I think most people would think that's pretty vague. Today, the Ombudsman has announced that he's going to investigate the way in which the OLGC responds to complaints of fraud that were made on this television program.

Will the Premier commit today to hiring an outside agency to conduct a forensic audit of the fact that, against astronomical odds, more than 200 lottery insiders have won major prizes in excess of \$50,000? Together with the review and analysis, if you would commit to an outside agency doing a forensic audit, we can get to the bottom of the facts and determine if they're true or not, and then people out there can be assured by that. Will you do that?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** I'm certainly pleased to take the first question. First of all, I want to assure the leader of the official opposition, but more importantly the people of Ontario, that we take these allegations very seriously. The fact of the matter is that thousands, if not tens of thousands, of Ontarians regularly go and place their money down, and they have every reason to expect that the system run by the Ontario Lottery and Gaming Corp. is done with complete integrity and meets all security needs.

We've got a couple of things happening so far. Obviously, the minister has asked for a full report. He sent a letter to the chair of the board, Mr. Gough, and we're awaiting the outcome of that. We are pleased to learn that the Ombudsman has taken an active interest in this matter and is going to pursue it in his usual enthusiastic fashion. I think what would be appropriate in the circumstances is to await the outcome of both these particular investigations or reports, and then proceed further based on those recommendations.

**Mr. Tory:** You'll forgive us, on behalf of those who buy the tickets and who need to have that confidence you talked about, if we suggest that you should simply add to that list an outside agency to come in and conduct, together with the Ombudsman's investigation, where he doesn't have those resources—and the minister and the crown corporation isn't going to investigate itself. That's exactly what we're referring to here; we don't want them investigating themselves. We're asking for an outside agency to come in and conduct a forensic audit, so that the thousands and millions of people who buy those tickets—money we rely on as a province to help fund various important things—will know they can have confidence.

Yesterday, we also heard on this very same program that there is the matter of Mr. Bob Edmonds, who was defrauded of a winning lottery ticket. On the program itself and ever since—they settled a court case with Mr. Edmonds in 2005—the lottery corporation has refused, to this date, to take the opportunity to apologize to Mr. Edmonds for his ordeal. My question is, do you think this acceptable, and will you perhaps also ask the head of the



lottery corporation to not threaten to sue Mr. Edmonds and to issue an apology to him for what happened to him over a period of time?

**Hon. Mr. McGuinty:** To the Minister of Public Infrastructure Renewal.

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** I took the opportunity yesterday in this House to express my regrets at the ordeal Mr. Edmonds has gone through. I can report to the member and to this House that in fact the president and CEO is going to contact Mr. Edmonds, if he has not done so already, and issue that apology.

I should tell you that it is an unfortunate and rare event, and we take this matter extremely seriously.

**Mr. Tory:** It's good that the minister did that and that the president of the lottery corporation is in the process of doing it. It's the right thing to do.

The other right thing to do—and I commend the minister for doing the right thing—would be to add to the Ombudsman's investigation, where he doesn't have the resources to conduct a forensic audit, and the review that you wrote to the head of the lottery corporation and asked him to conduct, the requirement that a forensic audit by an outside agency be conducted, so that all of us will know. We won't just have a report from Mr. Brown investigating his own agency, and we won't just have the Ombudsman with his limited resources. We will have an outside agency that has conducted a forensic audit so the people of this province will know they can have the confidence that this either happened or didn't happen, and that there are adequate safeguards in place or not. Will you commit to that kind of outside review and forensic audit so people can have that confidence?

**Hon. Mr. Caplan:** I hope the member will correct his own record, because I wrote the chair of OLG, Mr. Gough, and in no way ever indicated to the president and CEO that he investigate himself. I hope the member will correct his own record.

I should tell you that I welcome the Ombudsman initiating an investigation. I have full faith and confidence in an independent officer of this Legislature. I hope the leader of the official opposition is familiar with one of Canada's leading forensic audit companies, Ernst and Young, who on May 15, 2006, in fact did look into the security measures and issued an opinion. That, and all of the information that they gathered will be forwarded to the Ombudsman.

1430

I hope that the leader of the official opposition and all members of this Legislature, but more importantly, all Ontarians, will understand that this government, that I, as minister, take this matter extremely seriously and all necessary investigations and actions will take place.

#### ONTARIO ECONOMY

**Mr. Howard Hampton (Kenora–Rainy River):** My question is for the Premier. Every day, the working women and men of this province do their best to make

ends meet. For a growing number of them, that means working two, three jobs just to put food on the table, pay the rent and look after their kids. In the last three years under the McGuinty government, 118,000 good manufacturing and forestry jobs have been destroyed.

Yesterday, in response to this manufacturing jobs crisis, what was your position? "I don't believe we should stand in the way of the inevitable." Premier, is that the McGuinty government's position? Is that your answer to 118,000 working women and men who have lost their jobs, that you think it's inevitable and you're not going to stand in the way?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** Again, the leader of the NDP is nothing if not inventive. Obviously, I disagree strongly with his characterization of the action that we have taken. If we're talking about the auto sector, I don't call \$500 million standing in the way of the inevitable; I call it taking action to strengthen the auto sector. When it comes to the forestry sector, I don't call \$900 million standing in the way of the inevitable; I call it taking action to strengthen the forestry sector. When it comes to agriculture in Ontario, I don't call close to \$1 billion as standing in the way; I call it entering into a strong partnership with our farmers to help strengthen them. When it comes to advanced manufacturing, I don't call \$500 million—half a billion dollars—standing in the way of the inevitable; I call it partnering with advanced manufacturing to strengthen them so they can thrive in this new economy. So obviously, I disagree entirely with the characterization presented by the NDP.

**Mr. Hampton:** Premier, people in northern Ontario hear your announcement and reannouncement and reannouncement of \$900 million and they know it's never happened, and it's not going to happen. Farmers hear your once- or twice-a-year announcement and reannouncement of funding for agriculture and most of them recognize that for what it is too: a series of re-announcements that has virtually no effect.

St. Marys Paper in Sault Ste. Marie is the latest victim. Not too long ago, this was a very profitable paper mill. Yesterday, under the McGuinty government, it filed for protection from bankruptcy and 380 working families in Sault Ste. Marie who depend upon that for their work are now wondering where it's all headed.

Premier, do you plan to tell these workers in Thunder Bay, these working families in Thunder Bay, that bankruptcy and the loss of their jobs is inevitable?

**Hon. Mr. McGuinty:** To the Minister of Natural Resources.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** I would say that the local member, David Oraziatti, and I have been working with St. Marys Paper for the last 30 days, when they gave us a heads-up about this. I met with the principals in my office last week, as did the local member. We've been discussing their challenges and how the Ontario government can help them. We have committed to helping them. We've talked with them and the rest of



the pulp and paper industry about some of the projects we're working on now. They have told us about their pension liability challenges and that they need the breathing time this particular protection gives them so they can reorganize their company and be sustainable in the future.

**Mr. Hampton:** It's no surprise to me that a Premier who describes it as inevitable—he doesn't want to stand in the way of something that's inevitable—doesn't want to answer these questions. This is the Hamilton Spectator. It refers to the situation that's happened around Hamilton: Levi Strauss, 460 jobs lost; Camco, 600 jobs lost; Rheem Canada, 150 jobs destroyed; Ball Packaging, 600 jobs destroyed. These aren't just numbers; these are working families, women and men who have to look after their kids and pay their mortgage. I believe they deserve a government that doesn't just shrug its shoulders and say, "It's inevitable." They deserve a government that has a plan to sustain these good jobs.

My question is this: When are you going to stop making the announcements and reannouncements that don't amount to anything, and come forward with a real plan to sustain the manufacturing jobs that are being lost: 10,000 a week in some cases? When are we going to see a real plan?

**Hon. Mr. Ramsay:** I'll refer the question to the Minister of Finance.

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** Let me make it clear again to the leader of the third party that one of the primary initiatives in today's statement was precisely about additional assistance to deal with the plight of workers whose jobs are threatened or who have been laid off.

He might once consider putting on the record the rest of the information, the fact that this year we'll be creating some 92,000 new jobs in this economy, in a variety of sectors. In financial services, for example, we've created so far this year some 25,000 new jobs; in information, culture and recreation, almost 24,000 new jobs; in business, building and support services, some 17,000 new jobs; in science and technology, 16,000; in construction, 13,000; in retail trade, some 13,800 jobs.

The point is that this economy continues, even during this period of somewhat more modest growth, to create high-paying, good, full-time jobs for the people of this province, and we're very proud of that record.

**The Speaker:** New question.

**Mr. Hampton:** To the Premier: The Premier ought to know that Ontario is a manufacturing province. That is the heart and the soul of Ontario's economy, and under the McGuinty government, a full 10% of our manufacturing jobs have been lost and more are going to be lost. What do we see as a response from your government? Well, we see tens of millions of dollars of taxpayer-paid-for ads that do nothing more than serve as self-promotion for your government. We see your comments saying, "Oh, I don't believe in standing in the way of the inevitable." We see you drive hydro rates through the roof and kill off more jobs.

Premier, leading economists and union and industrial leaders all agree: Ontario's jobs crisis is getting worse. New Democrats have suggested some solutions. We've suggested some things you ought to try. Given that you don't seem to have a plan today, why won't you try some of the solutions we've suggested? At least try something other than more television ads.

**Hon. Mr. McGuinty:** To the Minister of Finance.

**Hon. Mr. Sorbara:** My friend the leader of the third party has a short memory. The province tried those solutions a few years ago and the results were absolutely disastrous. There were higher rates of unemployment during that period of NDP government in this province than at any time since the Depression; the highest deficits in this province at any time since the Depression. Thank you very much, I say to the leader of the third party; we are not going down that road any time soon.

What we are going to do is maintain the course we're on, because it has created strong fundamentals. We're going to continue to invest in manufacturing. The Premier just set out some of those areas. We're going to continue to support the increasing intelligence of our population through historic investments in post-secondary education. Every economist worth his or her salt says that's the road to be on, and that's the road that we're on.

**Mr. Hampton:** I think the Minister of Finance is complaining about the wannabe leader of the federal Liberal Party that he supports. I'm not talking about his solutions. He just told us the other day that some guy named Michael Ignatieff was his principal adviser.

I want to ask you about a jobs commissioner. A jobs commissioner is something that was put in place in British Columbia and is credited with sustaining 75,000 good-paying manufacturing jobs. Industry leaders in the forest sector have asked your government about regional hydro rates. The Premier said he was going to consider it. Since he said that he was going to consider it, thousands more jobs have been lost. We need tougher legislation so that companies can't just close up like that and leave town.

Why are you so opposed to trying solutions like that when you obviously don't have a plan of your own?

1440

**Hon. Mr. Sorbara:** Just on the matter of electricity, would my friend the leader of the third party ever have the courage to stand in his place and acknowledge that hydro rates for large industrial users in this province are now lower than they were in 2002? I wonder if he would stand up and do that. I wonder if he would stand up and acknowledge that the notion of a jobs commissioner, of the kind that he proposed several months ago, is simply a recipe to try to scare industry into maintaining jobs.

The important investments are not in paying a job commissioner but making investments in the auto sector, making investments in manufacturing, making investments in research and technology, that give Ontarians the capacity to compete. That's what we're doing, and the fact is, economists say that's the road to be on and that's



the road to success; not some crazy NDP policy that says you can just stop the world from unfolding.

**Mr. Hampton:** The finance minister invites a debate about hydro rates. Look, nobody is falling for your pre-election fix on industrial hydro rates. You go out there and mention that to industry leaders, and they say they recognize it for what it is: It's a fix just before the election. After the election, it will go the same way as Dalton McGuinty's promise before the last election to freeze hydro rates—through the roof.

Here is the situation, Minister. In Sault Ste. Marie, St. Marys Paper was a profitable paper mill from 1995 until 2003. Since you've become the government, every year their situation has gotten worse. They said in their release yesterday that their problem is this: Their average hydro rate last year was 6.6 cents a kilowatt hour. They can't compete with other provinces where mills are paying three and a half cents a kilowatt hour.

The Premier said he was going to consider industrial hydro rates. Are you going to implement regional hydro rates for industry or not? What's the answer?

**Hon. Mr. Sorbara:** If the leader of the third party would just spend a little time fairly characterizing the situation with the forest products industry right across North America and indeed right around the world, then the debate in this Legislature might provide some more effective solutions.

The fact is, he talks about hydro. Hydro rates in Manitoba and Quebec are the lowest in the country, yet there we see the closure of sawmills and pulp and paper facilities and the same kind of stress on the forest products industry. Why? Because we have a very high Canadian dollar and that makes it much more difficult for those industries to compete. Why? Because, over the course of the past while, we've had an excessive supply of product globally. We understand that, and we're taking measures. That's why we've prepared a \$900-million program to assist that industry. That's what's going to make Ontario forest products competitive again in the province.

#### ONTARIO LOTTERY AND GAMING CORP.

**Mr. Robert W. Runciman (Leeds–Grenville):** To the Minister of Public Infrastructure Renewal: With respect to the Ontario Lottery and Gaming Corp., we know they've spent \$425,000 in legal costs to fight Bob Edmonds, a victim of fraud. They're willing to spend who knows how many thousands now, apparently, to sue Mr. Edmonds. They spent \$6 million to rebrand the corporation, a brand that has now been severely tarnished. They recently spent millions to open a new lottery prize centre for photo ops in the highest-cost real estate in Toronto. And throughout their operations, they reportedly have only the most expensive office furnishings money could buy.

Minister, are you still prepared to continue as an apologist for every activity of what increasingly appears to be

a rogue agency under the McGuinty government, and if not, what are you going to do about it?

**Hon. David Caplan (Minister of Public Infrastructure Renewal, Deputy Government House Leader):** It's hard to comment on the overblown rhetoric of the member opposite. I will ask the leader of the official opposition—the member references the Edmonds case and the initiation of the defence in the lawsuit.

**Hon. Jim Watson (Minister of Health Promotion):** When did that start?

**Hon. Mr. Caplan:** That started—my colleague asks—in 2001, carried through 2002, and it was eventually settled in 2005.

My request to the leader of the official opposition is, will he request that the member for Erie–Lincoln, who was the minister at the time, fully co-operate with the Ombudsman's investigation?

**Mr. Runciman:** I don't think there's any doubt about that. We wish you'd co-operate with the people of Ontario.

Minister, this is a \$6-billion enterprise that we're talking about. You have a CEO making close to \$400,000 a year, responsible for what appears to be lavish and unnecessary spending, inadequate oversight in terms of security and a seemingly callous approach to dealing with complaints.

The Ombudsman's investigation will be very narrow. We need answers, as well, on how this multi-billion dollar operation is being run, how money is being spent and the truth surrounding the allegations that a significant number of people were robbed of their winnings.

Minister, will you stop reading lines prepared by the agency under a cloud, show some intestinal fortitude and call in a forensic auditor or the Ontario Provincial Police?

**Hon. Mr. Caplan:** The member would know, and I know he would want to acknowledge to this Legislature, that Ontario Lottery and Gaming was the subject of the standing committee on government agencies this summer, I believe chaired by one of the members of the member's caucus. In fact, that provides oversight by a legislative body of the business plan, of the spending practices and had comments and report writing by all members of the committee. It will be very interesting to see what that report is; as I read the Hansard, some very complimentary things, contrary to the member's comments right now.

I will say that the allegations that have been raised are very serious. We welcome the Ombudsman's investigation. I hope that all members will co-operate with that investigation, get to the bottom of the matter, and if the Ombudsman indicates that actions are necessary, they will be taken.

#### HYDRO RATES

**Mr. Howard Hampton (Kenora–Rainy River):** To the Premier: You're the one who went to Thunder Bay and said your government was considering regional hydro rates. This is some example of what else has hap-



pened in the last week: Nairn Centre, 140 workers lost their jobs; Nakina and Dubreuilville, hundreds more workers sent home from their jobs; Espanola, another 130 workers lost their jobs; and now St. Marys, 380 workers told that the company seeks bankruptcy protection.

Those workers at St. Marys already took a 20% pay cut trying to save the company. The company says in their press release they can't afford to pay 6.6 cents a kilowatt hour for electricity. They need 4.5 cents a kilowatt hour. Your Minister of Finance says this is a case of glut on the market. They say in their press release their order books are full. They just can't afford to pay 6.6 cents a kilowatt hour. When are you going to introduce regional hydro rates to a part of the province that produces the lowest-cost electricity—

**The Speaker (Hon. Michael A. Brown):** Premier?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Natural Resources.

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** This is another amazing turnaround by the leader of the third party here. We have quote after quote from even just a few years ago, saying how he is against regional hydro rates in any part of this province.

I would say to the member again that the local member, David Oraziotti, and myself have been working with the company. Last week we had a meeting on two things. We've been talking to them about some transitional assistance, how we can work with them to help them while they make investment in a cogeneration facility that'll get them sustainability with their electricity generation. That's where they need to go; that's where they know they need to go. They're working with us, and we're going to be helping them get there.

**Mr. Hampton:** Here's the situation in Thunder Bay: Until a few years ago, Thunder Bay was one of the largest paper producers in the world. Last Friday, for the first time in anyone's living memory, not one paper machine was operating in Thunder Bay, not one roll of paper was being produced. In 2003, there were eight functioning paper machines operating in that city. As we speak, only one today is currently operating. And today, Bowater announced that paper machine number three is shut down permanently—another 140 jobs.

1450

I say again to the Premier, it is the industry leaders, the union leaders, the municipal leaders who are saying to you, "Will you implement regional hydro rates to reflect the fact that northern Ontario produces the lowest-cost electricity in North America?" It was your speech, Premier. You were the one who told them you were considering it—

**The Speaker:** The question has been asked. The Minister of Natural Resources.

**Hon. David Ramsay:** We're working with the companies in Thunder Bay. In fact, as you know, we are seeing a new set of investors who are looking at the

Cascades plant that was closed. We're working with them, and they're giving very serious consideration to reopening that plant. We've seen the Bowater machine back in operation this week and another machine coming back in operation next week. You've seen Terrace Bay come back. Terrace Bay was closed for six months; it is back in operation. We are starting to see a turnaround in that industry in that particular city and in that region. We're working with them, and that's starting to happen. That's going to be a success story. With the programs we have in place, the companies are taking up that assistance. We're seeing a turnaround and we're seeing more paper being produced in northwestern Ontario.

## BROWNFIELD SITES

**Mr. Dave Levac (Brant):** My question is for the Minister of Municipal Affairs and Housing. Minister, you may know that the Leader of the Opposition was in my riding to learn about brownfields. These brownfield sites did not pop up overnight. To their credit, this is an issue that the city of Brantford has been trying to resolve for many years, even during the previous government's time in power for eight long years. Now the Leader of the Opposition waltzes into Brantford, without a strategy, trying to find out what a brownfield looks like. Our government knows what it looks like. You know what it looks like, Minister. I know what it looks like: I've lived beside one, one block away, for 30 years. We rolled up our sleeves and we're working with our municipal partners, developers and other stakeholders to design and put necessary programs and policies in place to insure that more brownfields are put back into productive and safe use.

Minister, from the partnerships you have forged, will you please tell us what solution our government is committed to in order to stimulate brownfield redevelopment in cities like Brantford?

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing):** I'd like to compliment the member, first of all, for being so actively involved in the whole brownfields redevelopment issue. He has been very consistent on this.

One of the first things we did when we came into office was to appoint a brownfields coordinator, because of the lack of activity by all of the previous governments before that to deal with the brownfields issue. The main purpose of the brownfields coordinator is to coordinate all the activities that the various ministries are involved in surrounding the whole brownfields issue. We've changed the province's land use planning system, and we've also changed it in the proposed municipal legislation by giving municipalities an increase of the tools they could use to have access to brownfields redevelopment.

The number of municipalities that have filed with us and that have approved community improvement plans has more than doubled, to 21. Last year, our government introduced the brownfields financial incentive program,



which provides tax assistance to landowners in order to encourage brownfields rehabilitation—

**The Speaker (Hon. Michael A. Brown):** Thank you, Minister. Supplementary?

**Mr. Levac:** Knowing what a brownfield is and the dangers they represent if left undeveloped, I believe they also represent a tremendous opportunity. You and I know that committing to fixing the brownfields is more than just a quick photo op and a bad cup of coffee. There are no quick fixes. These are complex and far-reaching potential developments.

I will say that the member across the aisle is always welcome to come and visit Brantford if it's going to help him learn, and get a good cup of coffee and a delicious sandwich. Maybe he can start teaching the members in his caucus what it's all about, since they didn't recognize a brownfield when they were in government. They couldn't solve the issue in a day, so they ignored it for eight long years.

But we need more than a bad cup of coffee, wallowing in an orgy of photo ops and learning opportunities. Minister, it's time for action. Will you tell me what action we are going to take to take advantage of these strategically placed pieces of property?

**Hon. Mr. Gerretsen:** First of all, I was pleased this morning that the Canadian Brownfields Network announced the fact that the Canada–Ontario affordable housing program will allocate a minimum of 300 additional affordable housing units to be built on brownfields. My ministry is working with public infrastructure renewal, with the Ministry of the Environment, the Ontario Realty Corp. and the Ontario centre for excellence to explore using potential lands as demonstration sites for testing new brownfields remediation technology. We will partner with the Canadian Brownfields Network on a series of training sessions for municipal staff, providing them with the latest information to encourage brownfield redevelopment projects in their individual communities.

A lot of work has been done; there's still much more work to do. But we are the first government to ever seriously take on these brownfield remediation projects, which are abundant in all our municipalities. They simply need to be cleaned up, and we're doing something about it.

#### HOSPITAL SERVICES

**Mr. Jim Wilson (Simcoe–Grey):** My question is for the Premier. I have a copy of an e-mail from Jack Wilson of Tottenham, which was sent to you and the Minister of Health and Long-Term Care. In it he explains how his wife, Mary, was diagnosed some five months ago with severe spinal stenosis, which is causing her a great deal of pain and numbness from the waist down. She's been told that she'll have to wait at least 10 more months for her first appointment with an orthopaedic surgeon, and then she'll have to wait again for treatment or surgery.

In his e-mail, Mr. Wilson writes, "It would seem to me that if these surgeons are being encouraged to do hips

and knees, then the time for operating rooms and surgical nurses [is] not available for surgeries such as the one required by my wife. One must not forget that there are other debilitating and painful conditions that require surgery, and it seems, because of the current governmental priorities, that these other surgeries are being delayed, sometimes risking permanent further injury to the patient."

Your selective health care system is hurting Mary Wilson. Why are you sending her to the back of the line while your government only focuses on five priority areas?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Health and Long-Term Care.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** First off, one thing that's really crucial to look at from the standpoint of the five target areas for the wait time strategy is that diagnostics, MRI and CT are one of those and cut across the whole landscape. So it's inappropriate to fail to acknowledge the necessity of having good access to diagnostics.

At the heart of the honourable member's question is the necessity to be able to appropriately capture wait times and respond to them. We've been working hard to build a system that didn't exist when we arrived. And we well identified—the honourable member knows this better than anyone, because he originated the decision to shrink the size of Ontario's medical schools. These are hardships that we're seeking to be able to address. I say, with respect, that we've made progress. We're building greater capacity, we're paying for it and we're also training more doctors. The reality is that the honourable member's record on both of those was the direct opposite of progress.

**Mr. Wilson:** Mr. Wilson anticipated this rather arrogant insult from the minister. He writes, "I'd appreciate an answer that is realistic and not full of political platitudes. Fifteen months to get an appointment with a surgeon while living in the GTA is absurd, and if the government is unable to supply the necessary procedure in a timely fashion, the government should send my wife and people like her to other provinces or the USA to get the surgery."

Premier and Minister, you've broken your promise to people like Mrs. Wilson and those in her situation. You've not improved health care for them. Why don't you stop the rhetoric and help Mrs. Wilson and others in this very painful situation?

**Hon. Mr. Smitherman:** The honourable member says—

**The Speaker (Hon. Michael A. Brown):** I need the Minister of Natural Resources to move out of the way.

**Hon. Mr. Smitherman:** The honourable member seeks at the beginning of his question to lecture me, but the reality is, this honourable member hasn't once, as best I can tell, stood in his place and acknowledged the frightful circumstances that he created. He wants to



lecture me about these circumstances, but he has not on one day accepted an element of accountability.

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** You're in charge.

**Hon. Mr. Smitherman:** The other long-serving health minister in the previous government says I'm in charge, and indeed I accept these responsibilities. But I can't help to make up the time that was lost when they sat on their hands and made sure that Ontario had too few doctors.

To the point, I want to say that we have enhanced dramatically the resource with respect to a wide variety of surgeries and services in Ontario hospitals. We have increased hospital funding beyond the \$600 million allocated to wait times and a significant part of the wait time is accelerated diagnostic capabilities; this is in service to everyone.

We have more work to do in health care; I acknowledge it. We will continue to move forward and make up the lost time the honourable member for Kitchener-Waterloo squandered on her watch.

1500

#### AFFORDABLE HOUSING

**Ms. Cheri DiNovo (Parkdale-High Park):** My question is for the Premier. We are privy again this afternoon to yet another Liberal promise to build affordable housing. We heard that promise for 20,000 units back a few years. Meanwhile, the reality is, your updated website says that 2,392 units of housing are now actually occupied in the rental and supportive home ownership and northern housing components of your so-called affordable housing program.

We want to know, during an expected economic downturn, how can you tell? Of the 122,000 households waiting for affordable housing, most of whom can only afford \$300 to \$400 a month in rent, how many of those 2,392 units of housing will they be able to afford at \$300 to \$400 a month? How many are actually occupied at \$300 to \$400 a month? Please tell me that, Mr. Premier.

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** To the Minister of Municipal Affairs and Housing.

**Hon. John Gerretsen (Minister of Municipal Affairs and Housing):** We've certainly heard about this issue before, and I can tell you that a lot has been done and a lot more needs to be done.

We have started. In Toronto alone, 2,494 units are underway, occupied, under construction or with planning approval. In addition to that, we signed an agreement with the city of Toronto within the last couple of months whereby housing allowances, which total over \$37 million, will go to 1,800 different families in this city alone.

We are now working with our service managers to make sure that those vacant units will be occupied as quickly as possible so that we can provide the necessary housing for the vulnerable in our society. We're working on it. It had been long neglected for many years under the

previous government. We are working under the Canada-Ontario housing agreement. We're going to see it happen and those people are going to be housed.

**Ms. DiNovo:** Meanwhile, I had no answer to my question. The question was this: How many units are actually occupiable now, Mr. Gerretsen, to people who can afford \$300 to \$400 a month?

We don't want more promises. We've got 2,000 affordable units by your own reckoning. By that count, we'll be waiting another eight years until we get the 20,000, and even those won't be affordable at \$300 to \$400 a month. We know that only \$300 to \$400 is the budget for mainly women-and-children households who need affordable housing—122,000. So I ask again: What do you have to say to those 122,000 households on provincial waiting lists who can only afford, at most, \$300 to \$400 a month for rent?

**Hon. John Gerretsen:** As this member well knows, we have an agreement with the federal government whereby over \$600 million will be made available for affordable housing in this province. Over 15,000 new units will be built. There will be a minimum of 5,000 units for housing allowances.

This is a major problem. Yes, a number of the families she's talking about need good, adequate housing. For too many years nothing happened in this province. We're doing something about it. It's taken a little bit longer than we all would like to see because of the planning approvals that are required at the local levels. We want to make sure that those people who are in need of housing will be housed. We're doing something about it. They will be built, and those units will be occupied by people who need them.

#### ONTARIO ECONOMY

**Mr. David Zimmer (Willowdale):** My question is for the Minister of Finance. Minister, as you have said, in the short term, Ontario is in for a period of moderate economic growth because of external factors. In fact, yesterday, Bank of Canada governor David Dodge said Ontario should focus on skills development, post-secondary education and infrastructure. Minister, what is your plan to further boost jobs and economic renewal in light of these short-term, moderate restrictions on economic growth?

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I want to say to my friend from Willowdale that I certainly would not disagree with the advice provided by the governor of the Bank of Canada, although any time he would want to consider lowering interest rates, that would be very welcome for manufacturers in Ontario.

In the interim, as I said in my statement, we're taking four steps that we think are going to be really positive for the working environments of this province: firstly, some assistance to workers whose jobs are threatened or who've been laid off; secondly, we're going to speed up some infrastructure projects, because those projects can



have an immediate benefit—economic activity and job creation; thirdly, we're going to put some more traffic on the economic highway between Alberta and Ontario, because there's tremendous growth in that oil-and-gas economy that we want to be participating in; and finally—I know you want me to finish—we're going to encourage Ontarians that a new program of visiting this great—

**The Speaker (Hon. Michael A. Brown):** Thank you. Supplementary?

**Mr. Zimmer:** What's the role of the federal government in helping Ontario's economy in the short term? In fact, Prime Minister Harper does have a very important role in ensuring that all provinces, including Ontario, can withstand times of more moderate economic growth. Minister, where does the federal government stand on its commitment to honour the Canada-Ontario agreement?

**Hon. Mr. Sorbara:** I wish I knew. I've had talks with my predecessor, now the federal Minister of Finance, Mr. Flaherty, and we don't know. It's a mystery. I am mystified because I know that Jim Flaherty understands the economic disadvantage of Ontario because he used to sit in this very chair. So we're looking for some response.

The other point I want to make is that this is not a Conservative or a Liberal thing as far as federal governments are concerned. I want to give you one number that should be instructive: Since 1997, the federal government in this country has enjoyed surpluses of almost \$80 billion during Liberal and Conservative times. All we are saying is, let's have some fair treatment in Ontario. Let's begin by honouring the \$6.9-billion Canada-Ontario agreement that the Premier of this province negotiated with the federal government.

## EDUCATION

**Mr. Frank Klees (Oak Ridges):** To the education minister: Minister, the good ship Education is coming apart at the seams, it seems. Two weeks ago, the OSSTF exposed your government for having negotiated contracts worth about \$1.2 billion. You shorted them by \$800 million, forcing school boards to take money from other programs to pay for salaries. Now we find out that you allowed, through regulation, trustees' salaries to increase. Your predecessor committed to fund \$3.5 million to pay for those increases, yet today we find out you're not going to do that either, and you're saddling the boards with that additional funding.

Today, in public hearings, every single presenter who came forward challenged your government to withdraw Bill 52 because they're saying it's a bad bill. What's happening? You're losing support of stakeholders. Will you now step in as minister and commit to withdrawing Bill 52 in response to the OSSTF and every other teacher in this province?

**Hon. Kathleen O. Wynne (Minister of Education):** Actually, I'm really happy to be able to answer a question today because this is a terrific day in this city and in this province for education.

The trustees at the Toronto District School Board deserve a great round of applause in terms of the work that they have done to balance their budget. Trustees like Gerri Gershon, Sheila Cary-Meagher, David Shory, Sheila Ward and Howard Goodman from all across the political spectrum came together, they worked hard, they came up with a budget that's going to balance, and that's exactly why they are the kind of people who run for office at the local level. That's why we changed the rules around trustee salaries. The previous government denigrated the role of trustee and pushed those salaries down to \$5,000 a year. We've given the trustees the opportunity to make a living at this.

**Mr. Klees:** They can make a living, except you are not willing to pay for it, and you're pushing more boards into more deficit positions because of your mismanagement of the portfolio.

The minister wants to ignore this question. I'd appreciate her answering the question.

Here is the OSSTF with regard to Bill 52: "The implementation of Bill 52 could lead to a devaluation of the Ontario secondary school diploma. No amendments are possible which would adequately prevent the harm caused by the introduction of this bill."

This is the OSSTF. They want you to withdraw the bill. Will you do that?

1510

**Hon. Ms. Wynne:** Since I have been in office, for five weeks, I have met twice with the OSSTF to have a conversation about Bill 52. I will continue to talk to them. What Bill 52 is about is providing opportunities for students in this province to graduate from high school, to have alternative programming, to have linkages with the community, with employers, so that they can get experience, so that they can graduate from high school and go on to be fully participatory citizens. I don't think even the member for Oak Ridges could argue against that. This is an extremely important piece of legislation.

I say to the member opposite, we are working with the Ontario Secondary School Teachers' Federation. I have asked them as recently as this morning to give me language that would put in place protections so that we guarantee that schools are issuing credits and we make sure that students get—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

## NATIONAL CHILD BENEFIT SUPPLEMENT

**Mr. Michael Prue (Beaches–East York):** My question is to the Premier. Mr. Premier, across Ontario, many of the 118,000 people who have lost good jobs are increasingly forced onto the social safety net. That net is becoming very frayed, like never before.

You said yesterday, in terms of job loss, "I don't believe we should stand in the way of the inevitable." What is inevitable is that more families will need assistance in bad times. What is inevitable is that they will



need affordable housing and money to feed their kids. You as a government could easily do something by ending the clawback of the national child benefit supplement. You have failed to do that. You have broken your word. When will you end the clawback?

**Hon. Dalton McGuinty (Premier, Minister of Research and Innovation):** The Minister of Community and Social Services.

**Hon. Madeleine Meilleur (Minister of Community and Social Services, minister responsible for franco-phone affairs):** I would like to thank the member of the third party for his question. As a government, poverty is of concern to us, and since we have been elected, we have worked very hard to make sure that we corrected a situation where we came into power and we have seen what was done to the most vulnerable citizens of our community. So we have been removing barriers to help these parents go back to work, because we know that when there are parents who are poor, there are children who are also poor. So we are spending, every year, more than \$10.3 billion to help those in need, and we will continue to do that.

**Mr. Prue:** Your plan is not working, and certainly the good people of Hamilton know it's not working. Hamilton is one of the areas in the province hardest hit by job cuts. That city has limited resources, and you know that there are many, many poor people who live in the city of Hamilton, but they are finding a way to give back the national child benefit supplement that you claw back from Ontario's poorest families. In fact, the city of Hamilton knows that poverty affects the entire community, so they're going to both provide the community services and give back the money that these families need to survive. That city knows that the economy is not well served by making poor people even poorer and children even hungrier.

My question to you is quite simple. You promised to stop taking the money from poor children. Why are you forcing hard-hit communities like Hamilton to keep the promise that you will not?

**Hon. Mrs. Meilleur:** Again, I wanted to remind the member of the opposite party that we have been investing more than \$10.3 billion annually for families on social assistance, and we are very, very proud to say that this fall, the most vulnerable are once again seeing a rate increase in their assistance. We raised the assistance by 3% with our first budget, and we have raised it a second time, 2%, for a total of 5%.

And we have made certain that the rate increase to the national child benefit supplement stays in the hands of the people who need it most. When we took office, we ended the clawback on the national child benefit supplement going forward. This means that every family—

**The Speaker (Hon. Michael A. Brown):** Thank you, minister.

#### HOME CARE

**Mrs. Carol Mitchell (Huron-Bruce):** My question is for the Minister of Health and Long-Term Care. Minister,

personal support workers are concerned about the pay raise that you announced in May of this year. The personal support workers in this province perform an invaluable service, providing assistance to some of the frailest of all Ontarians and assisting them to live with dignity. Minister, this is a service that we may all find ourselves in need of one day. I find that it's rather surprising—not too surprising—that the previous governments had not seen fit to ensure that they paid personal support workers properly, which reflects the import and the skill of the work that they do.

Minister, this government has indicated it understands the importance of Ontario's personal support workers and has promised to address this wage gap. Can you tell us—

**The Speaker (Hon. Michael A. Brown):** The question has been asked.

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** When we think about our personal support workers, we like to say that they bring the love. We all have the opportunity to see them deployed across health care. In fact, last year they delivered 15 million hours of care to home care clients. In Elinor Caplan's report, she gave us a recommendation about enhancements to the compensation for people who are PSWs. We have flowed \$30 million of additional resources to community care access centres.

I want to say very clearly that because we've been working with the partners who employ PSWs, we've been slower than would be preferred in rolling those resources out. I want to reiterate the commitment to PSWs today, and tell them further that these will be retroactive to April 1, and that we will be able to move forward very, very soon with the payments that are sought after, to enhance the quality and recognition of the PSW workforce, in recognition of the love that they bring, alongside the care that they provide, to so many Ontarians.

**Mrs. Mitchell:** Minister, I know that personal support workers from my riding of Huron-Bruce will be very pleased to hear that, and all of the support that you give them. Personal support workers are providing a very much needed service, yet their working conditions can be challenging. This sector has a very high rate of turnover, which inevitably impacts patient care. The personal support workers who have visited my office feel that their contribution to the health care system is not being adequately recognized. Minister, what is this government prepared to do to assist personal support workers in this regard?

**Hon. Mr. Smitherman:** I agree with the sentiment that says that we haven't done well enough by our personal support workers. I would say that this is a pretty substantial piece of progress and there is, as always in health care, more opportunity. What we're seeking to do is create a model of care in home care where there's a stronger relationship—that is, that it lasts longer—between the client and the provider. To do that, we need a more stable environment for our personal support workers. Enhancing their compensation, giving greater



acknowledgement to benefits and to travel costs, is a very important step towards stabilizing that very important element of the workforce. That's why I'm proud to be associated with a government that's brought \$30 million of additional resource to the table for compensation for our PSWs.

I repeat one more time, I believe on behalf of all members of the House, the deep gratitude that we have for the role that's being provided there, and the recognition that these new resources, which will flow very soon, are overdue and a very necessary element of compensation for personal support workers, in gratitude for the extraordinary work that they're doing on behalf of the people of Ontario.

### VISITORS

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** On a point of order, Mr. Speaker: I'm pleased to welcome to the Legislature today the students and teachers from grade 10 of Haliburton Highland Secondary School. Could we all welcome them.

### PETITIONS

#### HIGHWAY 26

**Mr. Jim Wilson (Simcoe–Grey):** “To the Legislative Assembly of Ontario:

“Whereas the redevelopment of Highway 26 was approved by MPP Jim Wilson and the previous PC government in 2000; and

“Whereas a number of horrific fatalities and accidents have occurred on the old stretch of Highway 26; and

“Whereas the redevelopment of Highway 26 is critical to economic development and job creation in Simcoe–Grey;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Liberal government stop the delay of the Highway 26 redevelopment and act immediately to ensure that the project is finished on schedule, to improve safety for area residents and provide economic development opportunities and job creation in Simcoe–Grey.”

I've signed that petition.

1520

### LONG-TERM CARE

**Ms. Shelley Martel (Nickel Belt):** I have a petition signed by a number of residents of the city of Toronto. It was given to me by SEIU. It reads as follows:

“Whereas, in June 2003, Dalton McGuinty said Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios; and

“Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

“Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

“Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

“Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum number of care hours nursing home residents must receive each day;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day.”

I agree with these petitioners. I have affixed my signature to this.

### IMMIGRANTS' SKILLS

**Mr. Jeff Leal (Peterborough):** I have a petition today from the clients of the Peel Multicultural Council of Mississauga, and they're very concerned about Bill 124.

“To the Legislative Assembly of Ontario:

“Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

“Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

“Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own membership, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families.”

I agree with this petition and will affix my signature.



### CHILD CUSTODY

**Mrs. Christine Elliott (Whitby-Ajax):** "To the Legislative Assembly of Ontario:

"Whereas the people of the province of Ontario deserve and have the right to request an amendment to the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and grandparents; and

"Whereas subsection 20(2.1) requires parents and others with custody of children to refrain from unreasonably placing obstacles to personal relations between the children and their grandparents; and

"Whereas subsection 24(2) contains a list of matters that a court must consider when determining the best interests of a child. The bill amends that subsection to include a specific reference to the importance of maintaining emotional ties between children and grandparents; and

"Whereas subsection 24(2.1) requires a court that is considering custody of or access to a child to give effect to the principle that a child should have as much contact with each parent and grandparents as is consistent with the best interests of the child.

"Subsection 24(2.2) requires a court that is considering custody of a child to take into consideration each applicant's willingness to facilitate as much contact between the child and each parent and grandparent as is consistent with the best interests of the child.

"We, the undersigned, hereby petition the Legislative Assembly of Ontario to amend the Children's Law Reform Act to emphasize the importance of children's relationships with their parents and grandparents."

As I agree with this petition, I will sign it and deliver it to Patrick.

### LONG-TERM CARE

**Ms. Shelley Martel (Nickel Belt):** I have more petitions. These are signed by residents of Lucknow. They have been sent to me by SEIU. It reads as follows:

"Whereas, in June 2003, Dalton McGuinty said Ontario Liberals are committed to ensuring that nursing home residents receive more personal care each day and will reinstate minimum standards, and inspectors will be required to audit the staff-to-resident ratios; and

"Whereas Health and Long-Term Care Minister George Smitherman, in October 2004, said that the Ontario government will not set a specified number of care hours nursing home residents are to receive each day; and

"Whereas Ontario nursing home residents still receive the lowest number of care hours in the Western world; and

"Whereas studies have indicated nursing home residents should receive at least 4.1 hours of nursing care per day; and

"Whereas a coroner's jury in April 2005 recommended the Ontario government establish a minimum

number of care hours nursing home residents must receive each day;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the government of Ontario immediately enact a minimum standard of 3.5 hours of nursing care for each nursing home resident per day."

I agree with the petitioners and I have affixed my signature to this.

### SCHOOL CLOSURES

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** This is a petition on behalf of the parents and friends of the McGillivray Central School, and it is signed by 965 people.

"To the Legislative Assembly of Ontario:

"Whereas we, the community of McGillivray Central School, are concerned with the intent of the Thames Valley District School Board to close our rural public school and disperse our children to other, out-of-our-community schools; and

"Whereas we perceive the Thames Valley District School Board is attempting to close our school to rationalize building and expanding schools in other communities; and

"Whereas bigger schools have inherent problems with busing children further, disrupting existing communities, and removing any incentive for younger families to stay or move into our community; and

"Whereas our school, McGillivray Central School, is in good repair, with both a gym and a library/computer lab; up-to-date community-funded and government-approved playground equipment; and a municipal water supply; and

"Whereas previous boundary changes in the village of Ailsa Craig have contributed to our school being starved of students;

"We, the undersigned, petition the Legislative Assembly of Ontario to instruct the Thames Valley District School Board to adjust boundaries to redistribute the student population between the existing schools in our area to maintain a viable student population in each school."

### SPRING BEAR HUNT

**Ms. Laurie Scott (Haliburton-Victoria-Brock):** "To the government of Ontario and the Ministry of Natural Resources:

"Whereas the Ministry of Natural Resources' own data shows a clear and undeniable connection between the termination of the spring bear hunt and the increase in nuisance bears; and

"Whereas there has been an increase of almost 500% in the number of calls to the Ministry of Natural Resources about nuisance bears but no change in calls in Manitoba, where the spring hunt continues; and

"Whereas at least five people have been attacked by bears in 2005, and since 1978, bears have killed seven people in Ontario, six in provincial parks where hunting is not allowed, and all fatalities have occurred where there is little or no hunting pressure; and

"Whereas adult male bears are cannibals and highly aggressive; there are thousands more adult male bears in the population since the hunt was terminated and thousands more bear cubs are being orphaned or killed; unprecedented numbers of nuisance bears are being trapped, relocated or killed, but the problems persist; and

"Whereas the increase of nuisance bears since the spring hunt was cancelled has become a serious threat to public safety, and increasing interaction with humans from higher bear densities is likely to result in more bear attacks on humans; and

"Whereas, during a debate in the Legislative Assembly of Ontario on November 17, 2005, members of all three official parties supported a return of the spring bear hunt;

"Therefore, be it resolved that we petition the government of Ontario and the Ministry of Natural Resources:

"In the interests of public safety and scientific wildlife management, the government should immediately return a spring bear hunt to Ontario."

It's signed by many people and brought to me by the Haliburton Highlands Outdoors Association. I thank Keith Hodgson.

#### LANDFILL

**Mr. Phil McNeely (Ottawa–Orléans):** This is a petition to the Legislative Assembly of Ontario.

"Subject: Proposed expansion of the Navan Road landfill site in NDC

"I petition the Legislative Assembly to direct the Ministry of the Environment to defer finalizing the terms of reference for the Carp and Navan Road landfill expansions until the expedited review of the revised and comprehensive waste management master plan is completed and available to all the concerned parties."

Approximately 250 people have put their signature to this petition, and I add mine.

1530

#### SCHOOL FACILITIES

**Mr. Jim Wilson (Simcoe–Grey):** "To the Legislative Assembly of Ontario:

"Whereas the parents of St. Paul's elementary school in Alliston have raised many issues regarding the security, cleanliness and state of repair of their school; and

"Whereas a 2003 condition assessment completed by the Ontario government identified the need for \$1.8 million in repairs to St. Paul's elementary school; and

"Whereas the Simcoe Muskoka Catholic District School Board has approached the Ministry of Education with the intention of having the school deemed pro-

hibitive to repair as they believe the school requires \$2.28 million in repairs, or 84% of the school replacement cost; and

"Whereas there are ongoing concerns with air quality, heating and ventilation, electrical, plumbing, lack of air conditioning and the overall structure of the building, including cracks from floor to ceiling, to name a few;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Minister of Education immediately deem St. Paul's elementary school prohibitive to repair, secure immediate funding and begin construction of a new facility so that the children of St. Paul's can be educated in a facility that is secure and offers them the respect and dignity that they deserve."

As I've said before in this House, I went to school from kindergarten to grade 8 at St. Paul's. My mother taught there for over 30 years. I certainly support this petition.

#### PUBLIC TRANSIT

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** A petition addressed to the Legislative Assembly of Ontario:

"Whereas Scarborough Southwest is a growing community dependent on public transit to move people around;

"Whereas the city of Toronto and the Toronto Transit Commission are calling for and predicting continued growth in Scarborough Southwest over the next 25 years;

"Whereas the Toronto Transit Commission, in its growth plan, has called for the expansion of subway service to cover more of Scarborough;

"Whereas the government of Ontario has traditionally assisted the city of Toronto in funding subway expansion as recently as the Sheppard subway expansion project;

"We, the undersigned, petition the Legislative Assembly of Ontario to work in concert with the city of Toronto to come up with a funding arrangement to assist in expanding subway service to Scarborough."

I agree with this petition. I affix my signature to it and give it to page Chad, who is here with me today.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** "To the Legislative Assembly of Ontario:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global



experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

I'll send this along with page Sarah.

#### SPEECH AND LANGUAGE SERVICES

**Mr. Jim Wilson (Simcoe-Grey):** "To the Legislative Assembly of Ontario:

"Whereas over one million Ontarians of all ages suffer from communication disorders relating to speech, language and/or hearing; and

"Whereas there is a growing need for awareness of the profound developmental, economic and social consequences that communication disorders have on people and their families; and

"Whereas persons with communication problems require access to the professional services of audiologists and speech-language pathologists who provide treatments to improve and enhance quality of life; and

"Whereas effective treatment of communication disorders benefits all of society by allowing otherwise disadvantaged persons to achieve their academic and vocational potentials; and

"Whereas investments in treatments for communication disorders pay economic dividends in reduced reliance on other social services,

"We, the undersigned, in conjunction with the Ontario Association of Speech-Language Pathologists and Audiologists, call on the Legislative Assembly of Ontario to proclaim the month of May as Better Speech, Language and Hearing Month."

I want to thank the Simcoe County Preschool speech and language program for sending me that petition, which I will sign.

#### BUSINESS OF THE HOUSE

**Hon. Gerry Phillips (Minister of Government Services):** Pursuant to standing order 55, I rise to give the Legislature the business of the House for next week.

On Monday, October 30, 2006: in the afternoon, second reading of Bill 151, the Budget Measures Act (No. 2); in the evening, second reading of Bill 152, the Ministry of Government Services Consumer Protection and Service Modernization Act.

On Tuesday, October 31, 2006: in the afternoon, second reading of Bill 151, the Budget Measures Act (No. 2); in the evening, third reading of Bill 148, the Highway Traffic Amendment Act (Seat Belts).

On Wednesday, November 1, 2006: in the afternoon, Conservative opposition day number two; in the evening,

second reading of Bill 151, the Budget Measures Act (No. 2).

On Thursday, November 2, 2006: in the afternoon, second reading of Bill 152, the Ministry of Government Services Consumer Protection and Service Modernization Act.

#### ORDERS OF THE DAY

##### MINISTRY OF GOVERNMENT SERVICES CONSUMER PROTECTION AND SERVICE MODERNIZATION ACT, 2006

##### LOI DE 2006 DU MINISTÈRE DES SERVICES GOUVERNEMENTAUX SUR LA MODERNISATION DES SERVICES ET DE LA PROTECTION DU CONSOMMATEUR

Mr. Phillips moved second reading of the following bill:

Bill 152, An Act to modernize various Acts administered by or affecting the Ministry of Government Services / Projet de loi 152, Loi visant à moderniser diverses lois qui relèvent du ministère des Services gouvernementaux ou qui le touchent.

**The Acting Speaker (Mr. Joseph N. Tascona):** The Chair recognizes the minister.

**Hon. Gerry Phillips (Minister of Government Services):** I should, at the outset, acknowledge that I will be sharing my time with my parliamentary assistant, the MPP for Brampton West-Mississauga, Mr. Vic Dhillon.

I am pleased to introduce for second reading Bill 152, the Ministry of Government Services Consumer Protection and Service Modernization Act.

If you'll permit me, I'd like to thank two former parliamentary assistants who did a tremendous amount of work on consultations across the province on this bill: my colleague the member for Ancaster-Dundas-Flamborough-Aldershot, Mr. McMeekin, and my colleague Liz Sandals, the MPP for Guelph-Wellington. They travelled around the province getting input on this bill, and I really do appreciate their work.

What I've come to know is, and I think all members would appreciate this, is that there is a constant need for the Legislature to keep its consumer protection up to date, and we do face a constantly changing marketplace with constantly changing conditions. What this bill does is deal with a variety of areas where we have seen the need to update our legislation to respond to changing conditions in the marketplace. I will outline a few of those areas and the steps we're taking.

First, I want to talk about something called real estate fraud. I think the public should recognize that there are really two parts to it: There's title fraud, where individuals attempt to fraudulently get your title, and then there is mortgage fraud, which is in some respects the larger



part of this, where individuals will do things to fraudulently get access to mortgages.

The one thing I would say is that we are able to track title fraud somewhat. Just so the public is aware, each year over the last 10 years we've had, on average, about 10 claims of fraud against our land titles assurance fund. One claim is too many, but just so we know, in terms of actual numbers, we're looking at around 10. It's frankly a little more difficult to get the number for mortgage fraud, although we are working with our financial institution to get it. That one appears to be somewhat larger.

This legislation does several things. The most important one is—by the way, this provision is retroactive to the day we introduced the bill—that it ensures that the ownership of a property cannot be lost as a result of the registration of a falsified mortgage, fraudulent sale or counterfeit power of attorney; in other words, nobody is going to lose title to their property as a result of fraudulent activity, nor can a fraudulent document be registered against a title.

1540

We're also introducing in the bill some additional measures to allow us to suspend or indeed revoke accounts of suspected fraudsters who right now could be allowed to access the land title registry system. Fines will be going up, and it will also strengthen our authority for allowing notification to property owners.

We're making four significant moves in the bill. I would acknowledge—Mr. Speaker, you particularly have a significant interest in this area, as I think the public knows. We are also looking at a parallel to this, how we can modernize our land titles assurance fund, looking carefully at who has access to registering transfer changes against the land title, who has access to registering documents against the land title system. We're also looking at a notification system and, too, we'll be looking at some changes in the power of attorney.

The first area that's in this bill is some significant steps forward in the whole area of real estate fraud, particularly in the area of title fraud. I would say that we continue to work with a pretty good group of individuals, representing a cross-section of people who are involved in this, as we continue to look for other long-term solutions.

The second area I want to touch on briefly is gift cards. This is not a completely new phenomenon, but it's now a very large industry where individuals will go to a store and by a gift card for somebody; in other words, you say, "I want to get \$100 gift card. I'm going to give it to a friend or a family member."

The challenge right now is that in about 80% of the cases we've looked at, those cards expire, on average, in 24 months. Even though you have laid out, spent, \$100 to buy that for somebody, 24 months from now it can be worth nothing because the retailer says, "If you don't use it in 24 months, the balance will be eliminated." We don't think that's right. Dare I say that most members of the Legislature would not think that's appropriate.

It's an area that's grown rapidly in the last few years—really rapidly, I might add. It's actually changed

the way shopping patterns occur. January now is a growing sales month and December a somewhat declining sales month because gift cards are very much used and accepted out there. We want to move to give ourselves the authority to not permit expiry dates on gift cards. I look forward to working with our business community in the implementation of that.

The third area that's in this bill is amendments to our Liquor Licence Act. We've had very broad consultations over the last year and a few months right across the province. I can summarize the changes really in three areas. One is in terms of enhancing the ability of the Alcohol and Gaming Commission of Ontario when they are granting licences or looking at renewing licences to do more due diligence on the person or persons applying for those licences than they've had the ability to do in the past. We are giving them enhanced powers, similar I might say to the powers they have for the gaming side of their regulatory role.

Superintendent Parrent, who is the chair of the alcohol and gaming committee of the Ontario Association of Chiefs of Police and who has been involved in this, said "The changes being brought forward as amendments to the Liquor Licence Act and its regulations are the culmination of proactive consultation by this government with police leaders throughout the province of Ontario for the safety of communities.... The OACP remains committed to working with and through the government to ensure that concerns of policing in Ontario are brought to the forefront."

These measures are designed to help make sure that, if you're going to get a liquor licence to operate a bar in the province of Ontario, we have done the necessary due diligence. I'm pleased with the proposals in our document for that.

There's also a significant policy change. Right now, we are not allowed to license washrooms. In other words, we're not allowed to permit a bar owner to allow someone to take their drink into the washroom. This legislation will change that. What we've found is that there is a significant problem of individuals putting in someone's drink a drug that has a very negative effect. We found in our consultations that many in the community, women in particular, said, "We would like to have the option of being able to take our drink into the washroom if we wanted to." This legislation will allow those bar owners who want to to apply to allow their washrooms to be licensed so that a woman could take her drink into the washroom. I must say, this has been very well received in our consultations. It's not unique; it does exist in British Columbia, so you can technically do this.

As another part of consumer service on this area, we also will be testing allowing bingo halls to sell alcohol. It's an adult entertainment, it's a contemporary thing, and we've been encouraged, particularly by the charities that benefit from these bingo halls, to look at that. So there are some very good parts of our legislation dealing with improving our oversight of bars to make sure that the criminal element doesn't get into them and to make sure



that the right people are allowed to license them, and then on the consumer choice, there are some good things.

Another area of intense interest to the consumer is, we are giving new powers to the Electrical Safety Authority, the ESA. It's an organization that, on behalf of all of us, is responsible for electrical safety in the province of Ontario. They're moving forward as we speak. By January 1—not related to this legislation—all electricians will have to be licensed in the province. But we are also giving added authority to the Electrical Safety Authority to, if they go into a retail outlet and find that there's an electrical product that's faulty, right now there is a risk—and this happened last year, where they found a faulty product. They had to go and get a warrant to deal with it from a justice of the peace. By the time they got back, the product had gone out of the store. This will allow them to immediately embargo that. It gives them good powers to deal with when they find faulty product in the retail outlet. It also gives them power, if a product gets out of the store, to require mandatory notification to people that they've got a faulty product on hand and mandatory fixing of that faulty product. There are enhanced safety things in here for our Electrical Safety Authority and for the consumer.

Another area in the bill: We try to make sure that we keep our business law up to date—we have Ontario Business Corporations Act responsibility, and there are several amendments in the bill to update that—heavily, I would say, to harmonize with the Canada Business Corporations Act, so that our businesses aren't dealing with two different sets of criteria. Many of the recommendations are to deal with harmonizing our business law.

I might say that with the support of all parties in the Legislature, actually, last December we completed our first phase of the business modernization update with something called the Securities Transfer Act, that had the support of all parties here, yourself included, Mr. Speaker. That little-known piece of legislation modernizes the way we deal with securities trading and what not. It will save our business community at least \$100 million a year nationally. When we're looking at being competitive and looking at a modern, contemporary economy here in Canada and in Ontario, the Legislature last December passed that Securities Transfer Act. This is the next phase. We're working on modernizing our business law. In talking to lawyers in the bar who look at this area, they are very supportive of the reforms we've got in this bill to update our corporations laws.

1550

Another part of the bill deals with the bereavement sector, bereavement being cemeteries, funeral homes, caskets, those things. It will help to modernize, strengthening consumer protection, improving disclosure notice and remedies for consumers. The legislation, if passed, will provide provisions to ensure consumers are aware of their rights with respect to bereavement purchases; ensure that only qualified, properly trained, properly licensed persons are permitted to sell bereavement supplies;

strengthen contract rights and cancellation rights. It's a few changes to help us move forward with a bereavement act that was actually passed many years ago but never proclaimed. This will help to allow us to do that.

Another part of this, which is within my ministry—I have responsibility, on behalf of the people of Ontario, for the Archives of Ontario. This will update the Archives Act. It has been 83 years since we've dealt with it and, as you might imagine, a lot has changed in 83 years. We're into the need for retention of electronic records, all of those sorts of things that have changed. So this is an opportunity to bring our Archives Act up to date and to deal with that.

Another area that the bill deals with is Internet gaming. This has created some interest. It came to my attention, I guess, first from our horseracing industry, a huge business for Ontario; 65,000 people in Ontario work in the horseracing industry. I think it's our second-largest agricultural industry, very successful. We're world-class in that area. But what they said to me is, "We're playing by all the rules"—"we" being the horse racing industry—"but we're competing against somebody who is not playing by all the rules: Internet gaming," which is illegal. So they've said to us, "What can you do about it?"

The one thing that we can do is amend the Consumer Protection Act to prohibit advertising or promotion of illegal Internet gaming sites. That's the one thing we can do, and that's what this bill does. As I say, when I talk to our very large and important horse racing industry, I have difficulty in defending not doing something. They're playing by all the rules and trying to sustain a very big industry for us and competing against people who aren't playing by all the rules. So that is part of the bill; not a huge part of the bill but an important part of the bill.

Another area that's in the bill, Mr. Speaker, is some measures to deal with identity theft, an issue of some interest to you. This proposal, if passed, would require our credit reporting agencies—if someone asked to put a flag on their credit report, the credit agency would be required to disclose that flag to anybody who's asking for the report, and anybody who has been informed of that would be required to take due diligence with that information. So it's a step in the area of identify theft, and I think a good step.

There are some housekeeping matters in the legislation dealing with privacy information. We have an organization within my ministry called Service Ontario. Its role is ultimately to be the one-stop shop for the public when they're looking for information or services from government. In order for that to happen, we need the legal authority to make sure they are able to offer a broad range of government information and services. There are also some other what I might regard as more housekeeping matters within the bill, including, for example, in the real estate area, making sure real estate brokers and salespersons maintain their insurance, and several other relatively very much housekeeping matters in the bill.



Overall, as I said at the beginning of my remarks, the challenge for us as a Legislature is to make sure that we keep our consumer protection laws current, that as new issues—I regard gift cards and real estate fraud as not new, but they need to be dealt with now. This bill, in a comprehensive way, attempts to make sure that we are keeping our consumer laws current.

I look forward to the debate, I look forward to the comments, and I would look forward to the support of the Legislature as we move forward on this bill.

**The Acting Speaker:** The Chair recognizes the member for Brampton West–Mississauga.

**Mr. Vic Dhillon (Brampton West–Mississauga):** It's an honour for me to speak today with Minister Phillips and to lead off debate on this very important piece of legislation.

Bill 152, the Ministry of Government Services Consumer Protection and Service Modernization Act, is part of the McGuinty government's continuing commitment to the people of this province. Through this legislation, our government is once again proving that we're on the side of Ontario families and Ontario business.

Last year, the McGuinty government put in place the most significant changes to Ontario's consumer protection laws in 30 years. Enacting the Consumer Protection Act was a major step forward for consumers, and made Ontario a leader in consumer protection. The act introduced many new and important requirements of businesses, such as delivering goods or services within 30 days of the specified contract; ensuring that final costs of home renovations or moving services do not exceed a written estimate by more than 10%; prohibiting negative option billing so that consumers aren't liable for goods or services they did not ask for; allowing a 10-day cooling-off period for agreements with fitness, dance and vacation clubs, time shares and most door-to-door contracts worth more than \$50.

At the time, the Consumer Protection Act updated Ontario's consumer laws to reflect a more complex and dynamic marketplace. However, what makes today's marketplace so complex and dynamic is its state of constant change. As the marketplace changes, so too must the protections that consumers need. That's why at the heart of Bill 152 is the introduction of new consumer protection and consumer safety measures.

Recently, we heard stories of individuals who have had fraudsters place mortgages against their homes, illegally and without their knowledge. While these cases may be limited in comparison to the more than two million land transactions that occur each year in Ontario, no amount of fraud is acceptable to this government. That's why this legislation is designed to ensure that ownership of a property cannot be lost as a result of the registration of a falsified mortgage, fraudulent sale or counterfeit power of attorney. An innocent owner's title will be restored to them, and a fraudulent document will now be nullified.

1600

As previously mentioned, the legislation will also introduce new safeguards for suspending and revoking

the accounts of suspected fraudsters so that they cannot register documents, raise fines for real estate fraud and related offences from \$1,000 to \$50,000, and strengthen our authority to allow for notification of property owners about any changes to their title in our land registration system.

Our ministry is continuing to work with the real estate fraud committee, comprised of law enforcement officials, land surveyors, lawyers and real estate professionals, on ways to combat real estate fraud. Currently, our government is looking at four key areas that will continue our fight against the effects of real estate fraud. We are looking into limiting access for certain aspects of the land registration system; making the land titles insurance fund easier to navigate and more responsive to victims of fraud; developing a system of notification for when dealings are registered against a property; and changing how powers of attorney are used in real estate transactions.

Real estate fraud is an important issue for Ontarians, and therefore an important issue for this government. We are committed to addressing it on a continuous basis, and the legislation in this bill is only one step in this ongoing process.

There are many other consumer protection elements of this bill, including legislation regarding gift cards. Recently, Ontarians have been increasingly interested in purchasing gift cards without worrying about such things as expiry dates or value reductions. People purchase these cards in good faith and rightly expect that their purchase will retain its full value until redeemed. We want to ensure that Ontario consumers purchasing gift cards get what they pay for. We have heard their complaints about expired cards, and this legislation will give us the power to work with the retail industry to put an end to this practice. That's why this legislation, if passed, will give the government regulatory powers to ban expiry dates on gift cards.

Another piece of proposed legislation will introduce reforms to Ontario's liquor laws, based on extensive consultations with the public and stakeholders, focusing on enhancing public safety, service delivery and consumer choice. This is part of our ongoing effort to ensure that our liquor laws are updated and continue to reflect current realities by providing sufficient protection for consumers. If passed, this legislation will give the Alcohol and Gaming Commission of Ontario more investigative and enforcement powers to ensure that owners and operators of licensed establishments will remain responsible. These powers will allow the AGCO to not only investigate applicants, but also others potentially associated with their business.

Additional changes we are proposing will allow bars and restaurants to expand their licences to allow patrons to carry their drinks with them to separate areas of an establishment, such as the washroom. This will allow consumers to monitor their drinks at all times, reducing the likelihood of an unknown substance, such as a date rape drug, to be used to contaminate their drinks.

Even more consumer protection measures included in the proposed legislation will grant new powers to the



Electrical Safety Authority, or ESA, to proactively protect Ontario families from unsafe electrical products. With the changes being proposed, dangerous or unsafe electrical products can be seized or ordered removed from store shelves by the ESA. If a product has already been sold and is being used in people's homes, the new legislation would allow the ESA to call for the manufacturer to notify consumers that the product is unsafe.

In addition to these updates, Bill 152 would allow us to target illegal Internet gaming advertising. The horse racing industry has been gravely impacted by illegal, online gaming. This industry is the second-largest agricultural industry in this province. That accounts for 40,000 full-time jobs and 25,000 part-time jobs, mostly in rural Ontario. By prohibiting the promotion of an illegal Internet gaming website, the government is taking responsible measures to protect businesses operating legitimately in Ontario from illegal online gaming.

This proposal is one of the several steps being taken to address illegal Internet gaming. Of course, the federal government also has to play a role in stopping these illegal practices. I'm aware that Minister Phillips has written to the federal Minister of Justice, who is responsible for the Criminal Code, to ask for support in a coordinated effort between the provinces and the federal government to combat this issue.

Our protection to consumers also extends to Ontarians victimized or concerned by identity theft. The people of this province work hard to achieve financial stability, and they deserve to know that their finances are secure. That's why this legislation will allow consumers to take an active role in preventing identity thieves from accessing and making use of innocent peoples' personal information.

If passed, this legislation would give consumers the right to place fraud alerts on their credit reports. Credit lenders and others that rely on credit reports would be required to take reasonable steps to verify and identify consumers with a fraud alert on their record.

Penalties would be imposed on organizations that do not meet these requirements. The new measures being introduced through Bill 152 protect Ontario and ensure that our government can deliver that protection in the most efficient way possible.

The people of this province deserve to be protected, and that's exactly what this legislation offers. If passed, this bill will offer significant consumer protection measures that rival the best of any jurisdiction in the world. For this reason, I call on all members to support this very important piece of legislation.

**The Acting Speaker:** Questions and comments?

**Mr. Ted Chudleigh (Halton):** This is an interesting bill. It's one of these omnibus bills, I suppose you'd say, that's got a dozen or more different categories in it, and some of them are excellent. Look at the drinking in the washroom, for instance. I think that's a good piece of legislation. It's going to protect people from getting their drinks contaminated with drugs and that sort of thing; it can be very, very supportive.

The Bailiffs Act, where no warrant is needed to enter properties: I haven't looked at the detail of the act, but whenever I see that in the explanation of a bill, I get very nervous. I get very nervous about people having access to a warrant without due course process. That's something that I think all people in this Legislature should look at very, very carefully.

The online gambling thing: Yes, it's a bad problem in the province of Ontario. It's siphoning off millions of dollars from the horse racing industry. The horse racing industry is very near and dear to my heart. I think there are more horses in my riding than any other riding in Ontario, so the horse racing business is very important to me.

I would like to see that—

*Interjections*

**Mr. Chudleigh:** Oh, I'm getting some objections to that, but I think the facts will prove that I have more horses than anybody else—on race day perhaps. That legislation should go much further than it goes. I don't understand how these things can be carried on our Internet systems. I don't think just banning the advertising of them goes far enough.

The gift card is another one that I would support. However, in the identity theft areas, again, I don't think this bill goes far enough. It's one of these bills that has a very mixed reaction as to whether the good outweighs the bad or whether we can support the bill or not. I'll look forward to the debate.

**The Acting Speaker (Mr. Mario Sergio):** The member for Hamilton East has two minutes.

1610

**Ms. Andrea Horwath (Hamilton East):** I'm pleased to make a few comments about the debate on this bill, Bill 152. Interestingly enough, as the previous member mentioned, it is an omnibus bill, so there are many, many pieces to the bill, many of them that I'm actually quite interested in, having come from the municipal sector. Many of the issues actually hit the road at the municipal sector. I think particularly about the new kind of deal around bars, particularly licensing of areas where people can now take their drinks into washrooms. Again, coming from a woman's perspective, that's not necessarily a bad thing, although we have to acknowledge that the safety of women in bars and the problems with date rape drugs will not be solved by this particular bill. Having said that, I don't think it's harmful to actually undertake that kind of change.

There are a number of other issues. The one that I was a little bit concerned about, I have to admit, is the possibility of these pilot projects for bingo halls. I'm a little bit concerned about the licensing of bingo halls. I think there are some things that we need to be cautious about in that regard.

My understanding is that a number of the changes that are being recommended or brought forward under this bill will in fact not be detailed until regulations are developed, so therefore there are issues around the extent to which regulations get any public hearing, and of



course we all know that they don't. It's simply the letter of the bill that gets debated through committee. So certainly the committee process is going to be key in moving this legislation along. New Democrats are going to be watching for some of the details we would like to see to make sure that the issues outlined in this bill are in fact going to be helpful to the consumers of the province of Ontario.

**The Acting Speaker:** Further debate?

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I wanted to say to the minister and to the parliamentary assistant, this is really good work, and it's fast too: first reading October 19, and here we are on October 26, already at second reading.

I don't know about other MPPs, but I've had a lot of people visit my constituency office in the last few months concerned about a number of issues involving identity theft, but especially when it comes to the Land Titles Act and to do with their properties. People have come to me and said, "What are you going to do? What is the government going to do to protect me and make sure that my house doesn't get transferred into someone else's name?" It's good to see right in front of me today that section 15 of this new bill amends the Land Titles Act. It states quite clearly, "fraudulent instrument"; it defines what that is and what a fraudulent person is. It also provides for penalties so that property owners can't lose their property because of falsified mortgages, a fraudulent sale or a counterfeit power of attorney. These are things that a lot of people in my riding, especially seniors, are extremely concerned about. So I'm very happy, and it's extremely pleasing to see how quickly the government has responded to that concern: seven days from first reading to today.

The other little thing that is interesting is the act itself is called An Act to modernize various Acts administered by or affecting the Ministry of Government Services. So you're modernizing a number of different acts, as the minister has pointed out, and others have as well. But one of the things that bothers me and bothers my wife too—I had to mention my wife because it happened to me. We went in to buy a gift card which gave us 20% off on goods that we would buy. But the gift card—and it was my own fault; I did not read the expiry date on it—expired only a few months after I had purchased it. This prevents that from happening. The person who sells the gift card has to let us know about it. So I'm pleased to see this and I support in this act very, very much.

**The Acting Speaker:** Further debate? The member from Simcoe North.

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** Barrie-Simcoe-Bradford.

**The Acting Speaker:** Barrie-Simcoe-Bradford indeed.

**Mr. Tascona:** I'm going to be speaking on this bill at quite some length shortly, but I want to offer my comments with respect to this bill. This bill is made up of changes to 53 statutes. It's an omnibus bill, which means that it's housekeeping in nature, but it's also dealing with

some substantive consumer reforms that make it very difficult to really debate this in a public forum in terms of public hearings, because there is so much in this bill. The bill is actually 201 pages.

I would say that in terms of what the government said they would do before the election, bringing more democracy and more transparency, when you bring forth an omnibus bill, that is not the case, because what is happening here is that there are a lot of different areas we are going to be touching on. It's not a situation where you're going to have full public hearings on the different issues that need to be dealt with, like liquor licensing, real estate fraud, Internet gambling, electrical products, just to name a few. So we're dealing with some substantive consumer issues here that are not going to be addressed in a proper manner in public hearings.

I'm going to speak at length on my views with respect to real estate mortgage fraud. I think the government has come up a little bit short here in terms of really addressing the problem. I'm going to be urging them in debate to go a little bit further in terms of addressing this problem, certainly looking at amendments to the bill as it currently stands, to bring about greater protection to homeowners in this province.

**The Acting Speaker:** The Minister of Government Services has two minutes to respond.

**Hon. Mr. Phillips:** I appreciate the comments of the members for Halton, Hamilton East, Scarborough Southwest and Barrie-Simcoe-Bradford.

I think the member for Halton suggested there are some areas where we may not have gone far enough. One of the challenges, I find—actually, the member for Barrie-Simcoe-Bradford mentioned it—is that we are dealing with a broad range of issues. What I've found in this area is that there is a broad range of issues that needs to be addressed, almost on a regular basis. In the real estate fraud issue, we haven't found all the solutions yet. I have said many times that there's a process. I think the member from Hamilton East mentioned the date rape issue. This is not a solution to that. This is a part of it but not a solution to it.

I guess it highlights for me the need for the Legislature to find ways that we can keep our laws up to date in a broad range of areas, recognizing the reality of the legislative process, which is that it's not easy to find the legislative time to debate all the bills and the comprehensive nature of how the Legislature keeps up to date. This is my recommendation on how we can move forward on a broad range of contemporary issues, but I suspect this is the sort of thing on which the Legislature, for years to come, has to find ways to keep us moving quickly.

I did appreciate the comment from the member from Scarborough Southwest: Nothing seems to touch people like the fear of losing their home, nothing—maybe health first, but that's second. We do need to assure them that we have proper protections in place, which I believe we do.

**The Acting Speaker:** Further debate? The member from Barrie-Simcoe-Bradford, a wonderful riding.



**Mr. Tascona:** It is a wonderful riding. I just want to comment on the remarks made by the minister just a few moments ago that nothing is more fearful to homeowners than losing their home, and that's where this bill comes up dreadfully short, because if someone fraudulently takes title of your property, you have to go to court to protect your title, to make sure you get your title back. Case in point: Elizabeth Shepherd, whose house was taken from her when she had rented it. She was acting in New York at the time, and for a few months she rented out her house. Her tenants, with a fraudulent power of attorney, not only took title to her house when she was not there, but also slapped a significant mortgage in the hundreds of thousands of dollars on her property by representing themselves as her grandchildren, resulting in her being put in a situation where she has to go to court—she has a lawyer—to get her title back. She has no protection under this bill, because this bill doesn't come into effect until October 19, 2006, with respect to a fraudulent mortgage. So this bill does nothing for Elizabeth Shepherd.

1620

Case in point: Paul Reviczky, an 89-year-old gentleman who rented out his property to some individuals who represented themselves as his grandchildren, obtained a fraudulent power of attorney to provide to their legal counsel and proceeded to not only take title to the property from Mr. Reviczky but also slapped a fraudulent mortgage on that property. This bill does not protect Mr. Reviczky. He's going to have to go to court to get his title back because of a fraudulent transaction. And it doesn't protect him from mortgage fraud, because the bill doesn't come into effect until October 19, 2006.

So Mr. Reviczky, Ms. Shepherd and Ms. Lawrence have to go to court to protect their title and get the mortgage removed from their property, and if they're successful in that, then they can go to the land titles assurance fund and try to recoup some of their losses. That's not an acceptable solution for those three individuals and it's not an acceptable solution for other people in this province—the minister has acknowledged that the level of mortgage fraud is significant.

The bill I put forth in this Legislature, Bill 136, the Restore the Deed Act, which received second reading passage on September 28, 2006, and was referred to the general government committee, deals with the situation that has to be dealt with in this province with respect to land registry. In a situation that confronted Ms. Shepherd and Mr. Reviczky—I also referred to Susan Lawrence, who has a situation where she lost title to her house, which she lived in, and a mortgage was slapped on her property through a fraudulent transaction. She still has to deal with the bank, because the Court of Appeal, in 2005, ruled that even though it's a fraudulent mortgage, it's a legitimate document on title because it was registered. So she has to deal with the requirements of payment under a fraudulent mortgage, which she had no knowledge of until she found that the bank was giving her statements that she had to pay this mortgage on her property in excess of \$300,000.

The Restore the Deed Act would ensure that no individual would have to go to court to get their title back, and no individual would have to go to court to get a fraudulent mortgage removed from their property. Bill 136, the Restore the Deed Act, would make sure that no homeowner would lose their title, no homeowner would have a mortgage slapped on their property. What would happen would be that if there was an innocent purchaser or an innocent lender involved in transactions that led to their having title taken away or a mortgage slapped on their property, it would be the innocent purchaser or the innocent lender who would have to go to the land titles assurance fund. For the listening audience, that's a fund that is administered by the government of Ontario. It's a fund that comes out of general revenues to protect people from title fraud and mortgage fraud.

In the situation under Bill 136, an innocent purchaser or an innocent lender would go to the fund first. They wouldn't have to go to court, they wouldn't have to go through the delay and the expense of the system. The benefit of it is that you, the homeowner, would not have to go to court to get your title back. You wouldn't have to go to court to get a fraudulent mortgage taken off your property, because the innocent purchaser and the innocent mortgage lender would go to the land titles assurance fund. They wouldn't have to go to court; they would go to that fund as a first resort. That is what the law is in New Brunswick; that's what the law should be in Ontario: that the land titles assurance fund is the fund of first resort.

This bill protects the title—this is Bill 136, which is my bill, the Restore the Deed Act—by making sure that whether you live in the property physically or you have a substantial connection to the property—say, for example, it's your cottage or it's a property that you rent—nobody could scoop your property and take away your title. That's what's provided in Bill 136 and that's what's not provided in the government bill, Bill 152. Bill 152 does not protect your title. It doesn't protect individuals from fraudulent mortgages before October 19, 2006, at all.

The serious problem we have with respect to identity theft in this province deals with the real estate industry. I think my colleague the minister has been candid with respect to that, and there is a problem. I would suggest that it's a significant problem that requires more than what the government is doing—I would say much more. What we need to do is not only ensure that you will never lose your house, you will never have a fraudulent mortgage on your property; we need to make sure that nobody can get at your title. There are a number of ways that that can be done in my bill, Bill 136. There were a number of measures to protect the integrity of the land titles system in this province.

The first measure was ensuring that only registered, licensed real estate professionals could have the right and entitlement to register documents in the land registry or land titles system, and they would have to have personal liability insurance to do so. What that means is that individuals who are scoping your title by getting access



to the Teranet system by as easy and illegal means as a phony auto insurance licence—they can become a licence holder for a fee. They can get, through that phony and fraudulent automobile insurance licence, onto the system to scope your title. Also, they can register documents against your title, even though they fraudulently got on to the system.

What do they look for? Of course they look for houses where there is no mortgage against that property. Let's face it: In Toronto house prices are very high, they're very significant, and they're looking for homes where there's no equity that's been taken away through a charge or a mortgage. Those are the lucrative properties and that's where the action is happening. My information from title insurers is that we're talking in the tens of millions of dollars in claims that they're facing with respect to title insurance.

This is going to be a significant issue, obviously. The minister didn't really touch on it in his speech, but what he's going to make sure of in this bill, as I understand it from my briefing, is that title insurance companies would have no access to the land titles assurance fund. He'll have to comment when we get into debate further as to why he decided to do that.

1630

The fundamental point here when you're dealing with the land titles assurance fund is that it's slow, it's cumbersome, and I've suggested in my bill that it should not be dealt with through the government. It should be dealt with by a hands-off, third party board of directors made up of individuals selected from consumer groups, from the real estate industry and from law enforcement, to deal with this bill and with the land titles assurance fund so that it is properly administered and dealt with and understood by the people who understand the issues facing this problem.

Mortgage fraud and title theft are a serious problem in this province, whether you've got title insurance or not. All title insurance will do is give you money for your property, which has been fraudulently taken from you. People want their home; they don't necessarily want that money. This bill doesn't do that, because people who take the property fraudulently by getting on the Teranet system fraudulently—so what? What do they care if they're going to lose their licence? They've already used false identity. How are you going to take away the licence of somebody who already has fake identity? It makes no sense. What you have to make sure is that the people who can register documents, such as transfers of title or mortgages, are people who are licensed real estate professionals with personal liability insurance. That's one way to protect the consumer, which is not in the bill.

The other aspect, and the minister mentioned this but he didn't get into it too deeply, was notification. In Saskatchewan, they have specific legislation in place where, if someone is looking at your title or is trying to transact a transaction on your title or a mortgage on your property, you are given notification immediately, through e-mail or fax or whatever system you've chosen, to

notify you that someone has tampered with your title, either through taking your title or through trying to put a mortgage on your property.

That system has been in place in Saskatchewan for a number of years, and I think there's merit to that system to give people notice that someone is tinkering with your title. That allows the registrar—having communicated with the homeowner, who obviously would not be in agreement with that unless they had full knowledge that there was a transaction going on which they're consenting to—to freeze the registrar; in other words, to not allow any transaction like a fraudulent title change or a fraudulent mortgage to go against your property because of the identity theft problem that they have, not only in Saskatchewan but also in this province.

A notification system would go a long way towards alerting the consumer, the homeowner, that someone is trying to take their title, someone is trying to take the equity in their house by putting on a fraudulent mortgage against them. The registrar could freeze the registrar, which means you can't register a document on that particular property because the owner is not consenting to anything like that.

The other area that I've commented on is allowing landowners, homeowners, to mark their title through a personal identification system, a PIN system, not unlike when you get a card for a bank in terms of being able to take money out from your account. You have your own PIN, and you use that PIN to take money out of your own account. The PIN system with respect to real estate would ensure that if someone is involved in a transaction of your property, which would be the lawyer dealing with that, they would have to go to you and say, "I need your PIN because we need your consent to this transaction." If you don't have the PIN, obviously you're not the owner, but if you have the PIN, they have to go to you with respect to that PIN, and it has to match up, but also, they have to get your consent for the transaction. That's another protection for the unknowing consumer against fraudulent identity theft.

I would suspect and strongly believe that the individual trying to do a transaction on the property would not have that PIN. That PIN would be in the possession of the homeowner, and if they don't have the PIN for the property, which is in the records of the land registry system, no transaction's going to take place. There wouldn't be any consent towards going forward with that particular transaction, be it a transfer of title or a charge against title. So those are things the government's not putting in place in this bill.

This bill is really about—when I'm talking about the mortgage fraud aspect of Bill 152, one of the 53 bills that we're going to be dealing with—looking at preventing identity theft. It's not enough to say, "Oh, we're going to stop someone from putting a fraudulent mortgage against your title, because we're not going to allow it in terms of registering a document that's fraudulent." We need to stop identity theft in its tracks because it's a significant problem that is taking people's houses away from them,



taking away their equity in their homes. It's just not right, and it has to be stopped.

We're expecting the minister to be listening to this carefully, because I've provided him a copy of my bill. He's a very knowledgeable man, and a forward-thinking man too. I know he wants to get this bill forward, because he's got some other little treasures in this bill that I will comment on later. But let's get it right, because this is a problem, and everybody knows it's a problem.

One other aspect that the minister touched on, but that he really didn't get into any specifics on, is power of attorney. Power of attorney is a big problem, because with a lot of the power of attorney out there, there are no independent affidavits and they're not insisting on original documents. All they want is a copy of the power of attorney. That is not good enough. In the province of Alberta, they have recognized that the abuse of power of attorney has to be dealt with, and they insist on an original power of attorney supported by an affidavit of proof of your identity, so that the document is supported not only in its original context but by an affidavit.

What happened in Reviczky and Elizabeth Shepherd cases is that copies of a power of attorney from fraudulent individuals were being accepted as a legitimate authority to act on that property. The listening public has to know that with power of attorney, whatever that document says with respect to giving you authority to deal with a particular piece of property, because that will be in the document, the person directed and given the power to deal with your personal property or your home can deal with it, because that document is law; that document gives authority to the person who's going to do the transaction to follow the document.

We have to do better in this province. We cannot allow copies of a power of attorney to be accepted by the legal profession or financial institutions without the types of protections that they provide in the province of Alberta. I think the minister recognizes that, because home ownership is not going to be the only area of abuse. There's going to be an area of abuse with respect to seniors' financial property, and that's not the way we should go in this province. We've got to do better.

In my Bill 136, I provide that it not only be a fund of first resort and for it to be administered by an independent body, I also provide that victims of fraud, prior to the enactment of the Restore the Deed Act, would be eligible to apply for compensation under a reformed land titles assurance fund, which would include compensation for reasonable legal fees, like in New Brunswick. They provide for that, the compensation of reasonable legal fees. The fact of the matter is that the government did nothing for a number of years.

1640

The case that set the precedent in this province, the Lik Liu case, in which the court determined that a fraudulent mortgage registered on title is legal, happened in early 2004. The government did nothing. The Court of Appeal for Ontario heard the case in November, rendered its decision, and said that's the law: A fraudulent

mortgage registered on title is legitimate. Now, that's very scary—but nothing happened. What really moved the government to act was the astounding cases reported by the Toronto Star, in particular Harold Levy and Mr. Aaron in that paper about the Susan Lawrence case, the Elizabeth Shepherd case and the Paul Reviczky case, where innocent homeowners not only lost their title, they also lost all their equity in the property. So for the government to say, "You're going to be protected after October 19, 2006," is not good enough, because the law was changed fundamentally, to everybody's astonishment, in the early part of 2004. If the government should do anything, they should make it retroactive to that period of time to protect consumers and homeowners in this province. I urge the minister to look at it that way in terms of fairness.

It's not as if this government hasn't brought in and enacted retroactive legislation, because we know they have, and they've done it in a way that they feel brings things back to square one to make things fair. What I'm saying to the minister is, let's make things fair for Susan Lawrence, who's still in court trying to get her title back, who's still facing payments from a bank that wants their money from her. It does her no good that the government has intervened in her case, which perhaps will be heard in November, because by this bill, the government has admitted that she hasn't got a chance at all in terms of overturning that decision. I doubt very much that there will be leave given to go to the Supreme Court of Canada on this particular case, although who knows what will happen?

The bottom line is, the money that she's putting forth to protect her interests is coming out of her pocket. She wasn't the one who put a fraudulent mortgage on her property to take away all her equity. She wasn't the one who had a fraudulent title transaction where now she has had to go to court to get her house back.

The minister says there have only been about 10 cases of title theft in this province, and he's candid in saying one is too many. I look to him and I say, if that's the case, then why don't we protect the victims that unknowingly, in good faith, trusted the registry system and were left alone and basically were taken advantage of to the point where they're spending money to overturn a fraudulent title transaction and a fraudulent mortgage transaction? It just isn't right. I think everybody here knows it's not right. The minister is going to have to do a little bit better, with respect.

I don't know what his reluctance is to make the land title assurance fund a fund of first resort. They did it in New Brunswick. I don't know what the reluctance is to do it here. He's going to cut out the title insurance companies from getting at that fund. Why doesn't he protect the innocent homeowner that has been taken advantage of? Why does Mrs. Lawrence have to go through six to 10 years of litigation to prove to the land title assurance people, "I've done everything I can to catch this fictitious character. I spent tens of thousands of dollars in legal fees. Why couldn't you have made it a



fund of first resort, where the bank could have gone to the fund, got the funding? Leave me alone. I did nothing wrong."

No, she's got to go to court to get her title back; she's got to go to court to get her mortgage discharged from that bank. They're not backing off, because they know that the law is that a registered mortgage fraudulently obtained is the law. This bill does nothing for Susan Lawrence, does nothing for Elizabeth Shepherd and does nothing for Paul Reviczky, and that's a shame, because I know the minister can do better and he should do better.

What I've spoken about with respect to the Restore the Deed Act—I have a petition on that which I am distributing across this province, because I want homeowners in this province to be aware that their home is at risk and the government isn't doing enough to protect their home. Bill 136 will not only protect their home from being taken from them; it will protect their equity from being taken from them, it will protect them from having any identity theft of their property, and it will also make sure that if anything does go bad, they're protected by the land titles assurance fund. After all, that is a government fund, funded by taxpayers. It's supposed to be for their protection. I don't know why the government's being such a tightwad on it, because the bottom line is, they protect the people in New Brunswick but they won't do it here. That's wrong.

I only have 52 more statutes to deal with, so I'm going to take my best shot at it as we progress through this debate. I know my good colleague from Niagara Centre is going to make the minister aware of his thoughts and his concerns. I'll do my best in the 32 minutes and 13 seconds that I have left there.

**Mr. Jeff Leal (Peterborough):** Let's talk about the Barrie Colts.

**Mr. Tascona:** I'm not going to talk about the Barrie Colts right now, although they are playing Mississauga tonight and I think it's going to be a good game. My daughter, Lauren, is taking my tickets tonight. It's her birthday, and they're going to announce her birthday at the Barrie Colts game. It's going to be an exciting moment as the Barrie Colts take on the Mississauga Ice Dogs.

**Mr. Leal:** What about Jordan Staal when he goes back to Peterborough?

**Mr. Tascona:** Well, Peterborough is another story. It's going to be a sad season for the Peterborough Petes fans, whom I have a lot of respect for.

Need I digress? I'm going to come back to Bill 152, because the Speaker is interested in this.

Now we're going to talk about unsafe electrical products. The minister, to his credit—because I believe he is a consumer advocate, but a few bullets short in the old casing right now in terms of what he can get in there. But we did have a press conference with respect to the unsafe electrical products. Quite frankly, it was not only astounding but it was very scary in terms of the types of products that one would expect, electrical cords burning up and melting the electrical distribution switch on the

bottom that we put our circuits into—not being protected from a shock when you put the plug into this circuit, from light bulbs that would explode, really unacceptable types of products. These products, by and large, the ones they were dealing with, are from manufacturers overseas. As the minister knows, you really can't do much to manufacturers that manufacture overseas. But the problem is that these products get here, and there were comments made in there by the press in terms of the dollar store and the types of products that they're distributing and selling to the public. The minister was pretty forthright with respect to the electrical supply group that was there.

There is indemnity with respect to safe products in the province. The problem is, there are 14 different markings in terms of what would be a safe product. My point was and is, why don't we just have one marking so everybody knows which electrical products are safe? It makes sense to me. Certainly, it would take a little bit of administrative work to do that, but I think it's well within the capability of the minister to bring 14 markings down to one. If there is an argument against that—I really can't understand why there would be one. But everybody should know, when they buy an electrical product, that this marking indicates, not necessarily that it's a made-in-Ontario product, but that it's a product the Ontario government, through the electrical association, stands behind. I think it's right that we have that, so that people can at least trust the product they have.

1650

But the other point I was making—the minister takes what I think is an old type of remedial approach and says, "We are going to do this so the enforcement agency can stop a sale or take a product." That's the old style or type of remedial system in place, giving inspectors powers to do this and that. That's fine and dandy if you have enough inspectors out there, but the problem is, they don't.

We need to make sure that they get it at the source. Now, obviously you can go after an Ontario manufacturer with respect to a recall of product that has harmed the public. But my point is that the product should not get in the store, and we have the means to make sure that they don't get in the store. Barring fraud—people putting fraudulent stickers on the products saying that these are safe products—we can do better. We can make sure that the focus of the enforcement is at the distributor level, so that if there are products coming in from overseas—because that's where the products really are the problem, by and large—these products don't get out of the warehouse. They don't get out of the warehouse and into the stores so someone can buy them; they don't get into the stores so someone can sell them.

I think that's where the focus has to be, because one thing about this province, in terms of the way the distribution network has emerged: These are big distribution channels—the products that go into Costco, the products that go into Wal-Mart, the products that go into Canadian Tire and the products that go into the dollar stores. We



know who the big players are with respect to consumer products in the electrical product area. I don't think it's that difficult for the minister to focus his enforcement people on the particular area he wants to go after, because it is a serious problem. I took very seriously the message the minister was trying to portray, that these products can be deadly in the hands of people in their homes, resulting in fires or resulting in burns to the individual.

We have to do better in terms of this, because the way the minister is approaching this is, "Okay, if someone gets hurt, we'll look after it after they get hurt." Well, that's not the way we should be doing things. We should make sure that people don't get hurt, okay? We should make sure that we don't wait to deal with the problem until after the person gets hurt.

I'm saying to the minister, let's get one marking for safe electrical products in this province. Let's make sure you focus your attentions on distributors so that the product doesn't get into the store.

I want to make a comment about the date rape drugs that the minister was talking about. We had some discussion about that earlier on, and I questioned the minister on it, and I know the Attorney General had some interest in these date rape drugs. That is a significant problem. The minister has admitted that it is a significant problem.

So it's a significant problem. So what's the solution? The minister makes it optional for bar owners or licence holders to deal with this significant problem, to say, "We want to extend our liquor licence area to cover the washroom areas."

I would say that I'm a little surprised that you have made it optional when it is such a significant problem, in terms of protecting women from date rape drugs. Why aren't you saying to the licence owner, the holders of the licences, "Listen, this is a problem. We think you're going to have to do what the government thinks is right"? God knows the Attorney General, when it came to pit bulls, basically passed a standard across the province saying, "This is what you are going to do." But when it comes to protecting women from being raped through these drugs, he makes it optional. That's not acceptable. This should be mandatory across the province if this is such a significant problem, as the minister says it is. We're talking about women being protected from date rape drugs—which is something we know is a significant problem—and it's something with which they would feel safer. If they're in a bar or whatever, they could go and take their drink into the washroom area and they wouldn't face that problem.

It's a significant problem. The minister recognizes that, yet he makes it optional for a liquor licence holder to bring that into their establishment. You've got to do better, Minister. This is a significant problem. You're willing to protect dogs across the province, but you're not prepared to protect women in a situation where they're facing this date rape drug. You're making it optional. It doesn't make any sense to me. You're going to have to change the legislation and bring it in.

I thought, when we were talking about this and you came out with the public hearings, that we were talking about making this something that was going to happen. I thought the Attorney General was behind that in saying, "Yes, this is a serious problem. It has to be stopped. Let's do it now." So you come out with "optional." There's no option about smoking in a liquor-licensed establishment—none. Why should there be an option about making sure that people don't get date rape drugs put in their drinks? To the minister: You better revisit this issue, because, quite frankly, it's a little light on dealing with the problem that you say is significant.

The other area that I want to comment on is liquor in bingo halls. Where did that come from? I know bingo halls in some areas are having a little bit of difficulty, mainly because they're competing with the slot machines at racetracks. A case in point: the city of Windsor. In my experience, a lot of volunteers from organizations—from hockey to lacrosse to different groups—come in there and volunteer their time, and kids are there mingling throughout the area. And now you want liquor to be sold in this place? For what reason? One reason only: to give more revenue to the bingo hall owners and create an environment that I wouldn't say would be conducive to what I call the family type atmosphere of bingo halls. So I don't understand where you're coming from there. It doesn't seem right to me that you would be introducing liquor into bingo halls, other than for the fact that you want to give them an opportunity to make more money. Is it all about money?

**Mr. Peter Kormos (Niagara Centre):** They'd rather smoke than drink.

**Mr. Tascona:** That's right. They're smoking in there. Why are they smoking? That's supposed to be prohibited. You're trying to create an environment in there that is user-friendly. So now we're going to be drinking: "You can't smoke, but we'll let you drink."

**Mr. Kormos:** Imagine the mess they'd make with that dabber when they're all drunk up.

**Mr. Tascona:** That's right. That's a real dabba-do time, as you've had a couple of Jack Daniel's and you're trying to move through there: "Where's that 'B'? I thought it was a 'D'." I don't know where this is taking us, but the minister will tell us why he decided to do that. I don't think there was a lot of thought put through that in terms of the overall scheme of things. It may just be a revenue-driven type of idea. And if it is, I think you're going to have to think about it again.

The other one was Internet gaming. This is really interesting. I know the harness racing industry is really interested in this. All you're going to stop from happening is people putting Internet gambling on billboards or on some other kind of printed media, because you can't stop the offshore signal. I spoke about this, and I have a lot of respect for the member from Peterborough—I should say the "Petes"—who brought this bill forth. I spoke against it because, I said, it doesn't do anything. You can't enforce it; it doesn't do anything to deal with the problem. I still believe that, because you can't stop offshore signals.



1700

I understand that part of the government's rationale for introducing this prohibition is that it will reduce youth gambling, but a recent survey contradicts that assertion. The government is claiming that they are doing this to protect against youth gambling online. However, the government's own study on problem gaming in March 2005 found that statistics from prevalent studies and from the Ontario problem gambling helpline indicate that fewer than 1% of gamblers refer to Internet wagering as the major source of their gambling problems. Care should be taken to ensure that information about problem gambling and responsible gaming practice reaches these gamblers as well.

The horse racing and gaming industries strongly support the proposal. They have strong concerns about the viability of their industries in the face of competition from illegal Internet gaming.

Stakeholders in the advertising industry have expressed strong reservations with respect to what exactly the legislation makes illegal, as well as whether or not the Ontario government is in fact currently in violation of this pending legislation.

Stakeholders in the horse racing industry have come out strongly in support of the legislation, which they feel levels the playing field that has recently tilted in favour of online, unregulated gaming at the expense of their legal bricks-and-mortar business.

Government hypocrisy—and I look at the member from Niagara Centre; he's in the middle of it. Niagara Fallsview Casino Resort is currently hosting various World Poker Tour events from October 22 to October 30, 2006. The primary sponsor of the event's website is [www.worldpokertour.com](http://www.worldpokertour.com), which would qualify as an illegal Internet gaming website under this proposed legislation.

"The only smart move—the only one—is to legalize all Internet gambling at the federal level, regulate it and tax it, they way they did in Great Britain. Anything short of that, including this stupid play by Ontario to protect its own faltering bookmaking industry, is a waste of time." Now, that's taken from an article in the *Toronto Star* by Dave Perkins, October 20, 2006.

The ambiguity of the legislation leaves the door open for confusion. Ottawa U law professor Michael Geist points out that there are many sites that allow Internet users to locate an Internet gaming business on the World Wide Web. Google, Yahoo and MSN come to mind. The legality of online gaming sites, usually run from servers based in foreign countries, is much less clear. This is a very grey area. There is very little case law on it. You need to get past fundamental issues like, where is the activity taking place and where are the servers located?

"Aside from any legal challenges to the proposed law, Bush predicted the ban would be nearly impossible to enforce." That's Daniel Bush, intellectual property lawyer and a partner at the Toronto firm of McCarthy Tétrault, which I know the Attorney General is quite familiar with. The bottom line is, that's what I said about

the member from Peterborough's bill in the first place. You couldn't enforce it, so why waste your time? But the minister listened to him, and he's a good man, listening to the member from Peterborough. But the bottom line is, what are we doing here? It's not enforceable, so why waste the resources and why go through the smoke and mirrors?

I'm going to talk about retail gift cards next. What is a retail gift card? Is it a gift certificate? Is there a retail gift card with something that you buy or something that you're given? The act includes prohibitions on expiry dates on future performance agreements, including gift card agreements and various administrative fees. The act proposes that it will increase the authority of bodies regulating in the consumer protection area. Now, this is an area that has been legislated to a great extent in the United States, and it's an area that I think the minister is very sincere about. I think there are some practicalities here that have to be dealt with. If you buy a gift card for a certain amount of money, which should buy you a certain product, there shouldn't be any time limitations on that—none whatsoever. It's totally different from when you're given these free—what do you want to call them?—Wendy's or Tim Hortons' food vouchers, which have a time expiry date. You didn't buy them. You can get a deal on them, but they have an expiry date. The minister is not dealing with that. That's probably more titled a gift certificate. What he's dealing with is gift cards.

My problem is—and he knows it's a problem—that even if he gets this legislation banged through by the end of this session, which is in December, he hasn't got anything done with respect to the regulations. He has to go to the industry and say, "Okay, how do we do this?" They don't have any regulations in this bill; we're just dealing with the bill. Even if he gets this thing through, he still will not be able to protect anyone at Christmas-time from this type of activity. And he's been pretty candid too. He says most of the shopping happens in November anyway. There's not a lot in December, as there used to be. Today is October 26. We're not going to have this bill through maybe even by December 14. So it's not going to protect anybody before Christmas. Let's get that straight.

What we have to deal with are the regulations. One of the problems in dealing with legislation in this place is that a lot of the work in terms of interpreting and administering the bill—and the minister, I have to admit, is quite clever at this. He loves dealing with regulations, and he does a good job at it. He makes sure that a lot of the different issues he has to deal with in the real estate industry and other consumer issues he can do by regulation. That way he doesn't have to come into the House and he can get things done fairly expeditiously. The problem with that is sort of a democratic problem, because none of us get to see it until it's in the order paper, printed in the official Ontario Gazette, and we find out about these regulations. That's part of the problem of democracy in this place, because the regulations will come out in the official Gazette and nobody will ever have seen them. By and large, we would hope they would



have consulted with the stakeholders before they put it out, but a lot of times they don't.

So the guts of the bill, in terms of how it's going to operate, are in the regs. They're not in front of us. We're not even debating these, so we don't even know what he's got in mind about how he's going to deal with gift cards, and he really doesn't either, because he has to go to the industry and deal with them on the regulations. To his credit, he said he will. That doesn't help the situation here, because we really don't know—other than their intent is that they want to regulate gift cards—how they're going to do it. Nobody knows, and we won't know until the regulations come out, and there won't be any review of that at all because that's just not the way this place works.

That's not an endorsement of the way we're doing things but it certainly leads us to believe that we can do a little bit better in terms of debating this bill, in terms of getting the true intentions of where we're going here.

There's one other area I want to talk about in addition to the other 48 statutes that I haven't touched on yet and that is this consumer credit rating proposal, dealing with the flag. My experience dealing with consumer credit rating organizations is that they are about as attentive and responsive as a brick wall. You might as well look at it and talk to it all day because nothing is going to happen. Even if they've got the information wrong on the consumer credit rating report, they don't listen to you, yet there's a statute dealing with consumer reporting agencies that gives a procedure for you to deal with these people. They don't respond; they don't even seem to care. So when the minister says, "Well, if you're going to deal with identity theft and there's a flag on title and everything," what good is that going to do if you raise a flag and they have to put the flag on your report when they don't even listen to you in the first place? The consumer protection branch can't do anything about it and they never do anything about it.

The minister is also doing one other thing in this bill: He is modernizing his new ministry, the government services ministry, because he's taken over the consumer part. One area he's had is the consumer protection branch which, by and large, have a lot of work to do. They do a lot of prosecutions across this province.

I have a complaint here that deals with the modernization aspect of what the minister is trying to do. It was written to me, and I think he also gave a copy to the minister. I got this letter October 23 from Robert and Diana Davidson of Burlington. It says:

"Please be advised that we are extremely disappointed by the complete ineffectiveness of the government's so-called consumer protection branch. Not only was contacting this government service a waste of time, but we lost five valuable months waiting for the consumer protection branch's response.

"Our complaint was finally validated by the consumer protection's consumer officer, a J. Kavanagh. However, Canadian Tire"—whom they were dealing with—"simply refused point-blank to respond to the consumer

protection branch's request for an explanation as to why Canadian Tire refused to meet the terms of its written contract and its own 90-day return policy. In effect, Canadian Tire treated the government's consumer protection branch with total contempt, understanding it to be a toothless non-entity."

Now that's interesting. They purchased an elliptical trainer from Canadian Tire in Burlington, a Proform 750 cardio cross-trainer for a price of \$344.99. I guess what happened here is they brought it back because it was a floor model and there were problems with respect to this particular product. Canadian Tire didn't take the product back because they said it was used goods.

Canadian Tire refused to accept the return of the equipment—that flies in the face of their 90-day return policy—and what's interesting here is the response. I'm just reciting the facts here. This is a letter from Joseph Kavanagh, consumer officer, consumer protection branch, Ministry of Government Services, to Mr. Davidson. He says:

"This will confirm receipt of your complaint concerning the above-noted company. We contacted Steve Voytek, manager of the store, regarding this matter. This resulted in an exchange of e-mails concerning the merits of the complaint.

"On September 7, 2006, Steve Voytek spoke to me and requested our recommendation concerning this matter. On September 8, after reviewing the matter again fully, I called and left a message that it was our recommendation that a refund should be issued." This is coming from the consumer officer towards Canadian Tire.

"On September 13, Mr. Voytek called and left a message"—this is the chap from Canadian Tire—"requesting the reasoning behind our recommendation." So government service is recommending that they refund the product and give them their money back.

"I called back and left a message for Mr. Voytek to contact me to discuss this matter. However, he has failed to return my calls." This is Mr. Kavanagh, the consumer officer, saying he's tried to reach him as to why he's saying they need to give a reason. He says:

"Our recommendation to refund was based on (1) the information contained on the receipt signed by Brad G. of the store; (2) the refund and exchange policy for Canadian Tire which is posted on the Web; (3) section 11 of the Consumer Protection Act which states 'ambiguities in agreements are to be interpreted in favour of the consumer.'" This is coming from Mr. Kavanagh, the consumer officer of the consumer protection branch of the Ministry of Government Services. He says:

"We are not able to resolve this matter and we are closing our file at this time but shall retain this information in our active database for future reference. You have the right"—this is talking to the consumer, Mr. Davidson, who bought the product from Canadian Tire—"to pursue this matter through the courts. In this case, we would refer you to your solicitor or to your local Small Claims Court office.



"Thanks for bringing this matter to our attention."

What is the point of having gone through that exercise? I want to bring that to the minister's attention, because he's a consumer advocate. I have to say to myself, why would you bother going to the consumer protection branch, which says, "Yes, you should get a refund," and the Canadian Tire store says, "So what?" Where's the enforcement? They go out and investigate and say, "Your policy says you've got to return it. Give this person a refund," and the store says, "So what?" And the enforcement person says, "I'm closing the file. Go see your lawyer." If that's teeth, you should be looking at amending this bill to make sure that your consumer protection—either they're not enforcing the act properly or you need some changes in the consumer protection bill, in this bill—because you've got 54 in it already—that gives these people the power. If they make a decision saying, "You should refund this product and give the money back to the consumer," and they say they're not going to do it, then you've got to have the right to prosecute them for not doing that. I don't understand why you wouldn't have the power to do that. Otherwise, why even have enforcement agency members on your staff? They have no power to do anything. Either that person doesn't know his job or he doesn't know that he can enforce things, or the legislation doesn't allow him to do anything. Certainly, in that situation, the consumer protection branch, which a lot of people look to to protect themselves, isn't working. So I put that to the minister, because I think that's a serious situation. What can they do to enforce things and to protect people?

I know in my area they've done good work with respect to construction contractors. I had one situation where there was an \$11,000 contract for a contractor to do renovations on someone's home. The contractor took a \$9,000 deposit but did nothing and the consumer protection branch prosecuted him. They did a good job. The contractor got jail time, plus the consumer got some money back.

When you go buy a product at a retail store that has a 90-day return policy, and you bring the product back, and your officer says, "You're wrong. Give the person their money back," and the store says, "Take a hike," it doesn't look too good for the consumer protection branch. Either they didn't know what they were doing in terms of what their enforcement powers are, or they have none, and if they have none, then why mislead the public that they're going to help them—because that's what's happening.

**Hon. Michael Bryant (Attorney General):** On a point of order, Mr. Speaker: The member suggested that a member of this House and/or the government has misled the public. I know the member knows that's unparliamentary language and he'll want to withdraw that, although that's in your hands.

**The Acting Speaker:** Will the member indeed withdraw that?

**Mr. Tascona:** I never said anyone misled anyone. I'm saying, in terms of what their powers are—

**The Acting Speaker:** The word "misled" was used. *Interjections.*

**The Acting Speaker:** Please continue.

**Mr. Tascona:** Thank you, Speaker. A very wise decision.

I have 25 seconds to finish off my speech here, and all I want to say is that I want to engage the minister in further discussion—and I know he's listening—because we need some amendments to this bill. Home ownership is at risk in this province; we all know that. We have to do better in this bill to protect the homeowners of this province.

**Mr. Kormos:** I'm going to have a chance to begin my one-hour lead on this in around eight minutes' time. I'm looking forward to it—I really am.

First, I want to commend the member for his Bill 136, and that is Mr. Tascona, the member for Barrie-Simcoe-Bradford, who was first out of the gate. That's not the point as much as having dealt not just with the fraudulent documents and their impact on title but, far more importantly, having dealt with access to the assurance fund. That's something that, with all due respect, this bill does not address. I'm going to speak to that at greater length hopefully in the modest one hour allowed me. So I do commend the member from Barrie-Simcoe-Bradford for his bill.

1720

I hope very much—because this bill has to go to committee. There's going to be broad interest in any number of facets, in any number of appendixes or schedules to the bill. The bill's to go to committee. There's going to be a significant debate around the appropriate response to the Chan decision, which is what the bill is responding to.

The other observation is that this issue has been lingering in Ontario for a number of years—not just months but years. I think it's remarkable, and I'm going to refer to a number of judgments that should have rung the alarm bells for the government in terms of responding to it.

Thirdly, I think there's an important issue around the impact of electronic registration on title fraud. That's one of the things we're going to have to be very serious about addressing in committee, in terms of whether or not electronic registration opens the doors wide open to fraud artists and its impact on title and victims.

**Hon. Mr. Phillips:** I appreciate the speech by my colleague. It was thoughtful, I might add. We will get a chance to address many of the points you've raised as we continue the debate.

I have just a few quick comments. On the date rape issue: I think we have 11,000 licensees across the province, and I was reluctant to make it mandatory. I wonder if we really need 11,000 of our businesses doing that. I think we've taken the right approach. I'm not sure that every Swiss Chalet, for example, needs to do it. That was the reason for not making it mandatory.

The bingo hall one: We did get some feedback, certainly, from the bingo hall industry, which is struggling, and the charities that benefit from those, that they are



adults. So it seems like a reasonable thing to allow that to happen.

On the real estate fraud issue, we're determined to find the best solutions. The bill addresses part of it; the federal government has some role in it. There are those three or four issues that the member raised: dealing with the power of attorney; dealing with who has access to registration; dealing with the land title assurance fund; and dealing with notice. I think those are the four things you identified, and I think I mentioned each of those in my remarks. So we have a significant part of the solution on real estate fraud within the bill, and there are other things we have to look at.

I look forward to continuing the debate. I think the members have raised some interesting observations on the bill, many of which we'll have answers for as we continue the debate.

**Ms. Laurie Scott (Haliburton–Victoria–Brock):** I'm pleased to rise today and comment on my colleague from Barrie–Simcoe–Bradford and Bill 152, the consumer protection and modernization act. The member for Niagara Centre was right: The member from Barrie–Simcoe–Bradford was a leader, he was out of the gate first, when he brought in his Bill 136, the Restore the Deed Act, and I remember speaking in support of that. There's an escalating problem of title theft and mortgage fraud, and we don't have enough proper protection for consumers. We've read stories in the newspapers, and that is why he brought that bill forward. And it is a much better bill than the government bill we presently have in front of us, Bill 152. This bill is an omnibus bill. It affects 53 statutes? Obviously, I'm not going to touch on all of the topics in a couple of minutes, but the member for Barrie–Simcoe–Bradford did a good job of dissecting many parts of this.

In the news last week, all the big news was about date rape drugs: They're going to bring in legislation to protect women in bars. But when we delve into the legislation, it's really on a kind of voluntary basis. The bars have to apply for an extension to the liquor licence to allow for this, so they don't have to do it. So all the headlines, all the newspaper articles that said the present government was bringing in this big protection—it's really not doing what those newspaper headlines say. I have to say, the present government is pretty good at getting headlines, but not at following through on the actions. We've seen that time and time again. That's what's very concerning about this bill that's before us: It's not going to be enforced; it's not going to give women the extra protection that we thought it said in the newspaper headlines. So again, you've got to take back the layers of this government, have a look to see what is really there and—big surprise—you won't find a whole lot.

I want to wish Lauren, the daughter of my colleague the member from Barrie–Simcoe–Bradford, a happy birthday.

**Ms. Horwath:** I too want to start by congratulating the member from Barrie–Simcoe–Bradford, not only on

his leadoff speech on this particular bill, Bill 152, but also I was in the House when his private member's bill, 136, was being debated. He had brought some extremely important, of-the-day issues to the table in that regard, particularly in terms of title theft, mortgage fraud. Those kinds of issues are significant and frightening—darn frightening for people out there who just shudder to think that their home can be stolen from underneath them without them even knowing, by virtue of these lax systems that have come into play over the last several years as the way that we deal with documents and documentation has changed in the province of Ontario.

I think it's important that this kind of legislation comes forward, the bill that we're dealing with today. I think it's interesting as well that there are so many pieces of existing law that are going to be affected by this bill. New Democrats are looking forward to this bill going to a committee so that it gets the scrutiny that it needs and deserves.

I know that we will be hearing from my colleague from Niagara Centre, Peter Kormos. I understand he gave a great speech yesterday in this House; in fact, some would say it was classic Kormos. Unfortunately, I wasn't here to see it. Hopefully, he'll give us a good review of the bill, because he's a very bright person who understands very clearly the implications of many of the clauses that this bill before us will have on the way things are done in the province of Ontario.

I have to say, last time I spoke about a couple of the issues. I don't have much time left. The other things, I think, that we are going to have to take a real look at are the issue around gift cards, the extent to which that's going to even be effective, and the issue around flagging on consumer reports. I think that's an important issue as well. I look forward to further debate.

**The Acting Speaker:** The member for Barrie–Simcoe–Bradford has two minutes to respond.

**Mr. Tascona:** I want to thank for their comments the member from Niagara Centre, the Minister of Government Services, the member from Haliburton–Victoria–Brock and the member from Hamilton East.

To respond to the minister about the date rape drug, we're not talking about Swiss Chalets here. We're talking about bars. I think that was the intent with respect to extending the date rape drug area. I think if you analyze the number of licences—you said there are 11,000, but I would think there would be a lot less if you're focusing on the problem where that's occurring, which is bars.

I have to go back to the point from the member for Haliburton–Victoria–Brock. Quite frankly—and I certainly thought the Attorney General had committed to this—we were going to deal with this problem. We were going to make sure that it was going to be stamped out. To give the bar owners the option in terms of dealing with this issue, that's not acceptable. It's just not acceptable to allow this kind of activity to continue. You know, you've taken it one step and said you can't smoke in a place. Certainly people should be protected from having drugs put in their drinks, making sure that that activity stops.



I know the Attorney General agrees with me because he's a man of some vision. We have to look at it from the perspective that he knows it's a problem and he's got to enforce the law. So the minister has to take a look at it from a point of view that "This is a serious problem; let's stamp it out." There's no reason why we shouldn't, because if we put it to them to say, "Oh, we're not going to do this. We can't be bothered," they're not going to do it, and you know it. You just basically put in voluntary measures, and I don't think this problem is going to be extinguished at all—and it is a serious problem. I'm looking forward to the debate.

**The Acting Speaker:** Further debate?

1730

**Mr. Kormos:** I'm pleased, on behalf of the New Democrats, to engage in the commencement of this debate. I regret that while given a meagre 60 minutes to speak to this bill, I'm only going to be able to use some 28 of them because we're going to reach 6 o'clock, and, of course, people are going to want to go home. But I'll be back for the second half of my lead.

Right off the bat, I want to thank the minister's staff, both his political staff and the civil service staff, for their co-operation, certainly with me and I'm sure other opposition members, in briefings and in following up with materials that were requested of them in their briefings. I genuinely appreciate that. It makes it much easier for us to get right into the nitty-gritty of these things when ministerial staff demonstrate that level of, first of all, knowledge of the bill themselves; secondly, co-operation.

There is so much in the bill, and the bill is going to have to go to committee. Quite frankly, I have no idea what the demand for participation in the committee will be out there, but the bill covers—you know, this government has a problem in terms of committee time. The Attorney General is nodding. He's sympathetic to my argument, and I understand that. But the problem is not insurmountable. We're rising here on December 14. That's the final calendar day. We'll be back March 19, and I'm looking forward to that. We'll have a full spring session, I trust, through to late June, as the calendar provides. We've got all sorts of opportunities for committee during the months of January, February and March. New Democrats made it clear yesterday we don't expect people to be here January 1, January 2, but certainly within a few days following that, we could start getting committees up and running and deal with these matters—it's as simple as that—because there's going to be some strong public interest.

Let me deal with some of the issues that I'm not going to speak to at as much length as I will the land titles issue. It's something that I've had a strong interest in, that New Democrats have been concerned about, and, again, because of the assistance of some people who I'll identify when I get to that part of it, I've have been able to learn a fair amount about it.

Let's deal with the date rape drug problem, a serious problem; of course it is. I remember the press conference that the minister held. I was surprised to learn then that

it's a regulatory change, and that's fair enough in and of itself. So it's not really in the content of the bill. It's not an inappropriate thing, I suppose, for the government, through regulation, to contemplate a little more flexibility in saloons and taverns and drinking places. Heck, I remember Crowland Hotel down on Ontario Road. Pete and Irene Belasky used to own it back in the old days. I still remember the men's and women's entrances. Remember that? There was the men-only entrance and there was the ladies and escorts, I think was the sign above the door. Women literally couldn't attend—trust me, this wasn't that long ago—in a tavern unless they were accompanied. It was ladies and escorts, right?

*Interjection.*

**Mr. Kormos:** Well, down at the Crowland Hotel they said ladies and escorts, I guess so nobody could be mistaken. They wanted to make it very, very clear: ladies and escorts. I still remember that and I still remember some of the bizarre—that was back when draft was 10 cents a glass and when the glasses were real glasses. They weren't those miniature things, those little shot glasses. How dare they serve beer in shot glasses nowadays. They were glasses—

*Interjection.*

**Mr. Kormos:** At the Legion you get a decent beer.

**Mr. Leal:** Still do.

**Mr. Kormos:** That's right. At the Legion you get a decent beer. But there were days when you had limits on how many glasses you could have on your table at any given point in time, never mind you couldn't walk around with your glass of beer. You couldn't leave your table and go visit friends with a glass of draft in your hand.

Fair enough. But let's be clear here. First of all, you're telling women to take their drinks into the washrooms. Now, we're not talking about the Accents bar over at Sutton Place. I confess I've stopped in there. It's a unionized place. I've stopped in there from time to time—it's close by Queen's Park—for the occasional soft drink after work. The washroom facilities at Sutton Place are outstanding. But I'm sorry, the facilities in most beverage rooms, most saloons, most taverns, most so-called nightclubs—it's disgusting that you're asking people to take their drinks into those washrooms. What do they do with them? Where do they put them? Are you going to put them on the floor in the stall and then drink out of that glass again? It's a horrible proposition. It's foul. The proposition is more noxious than the date rape drug, never mind the great potential for spreading disease.

Besides, the real problem—and we've learned from what young women tell us—isn't when young women get up to use the washrooms, because if they're with a group of people, they're leaving their drink on the table presumably with their friends. Conceivably it could be somebody in that party who's putting the drug in their drink, but they're leaving the drink on the table. It's when people get up to dance, because the whole table clears and gets up to dance. That's just an observation that's been made publicly by any number of young people, including young women.



This provision is not going to have any meaningful deterrence to predators who would use date rape drugs, because, again, the information we get—and it's anecdotal, but contradict me if you can—is that when the date rape drug is used, it's when somebody gets up not to use the washroom, presuming they're with a group, but it's when a gang of them get up to dance. You may not remember this, Speaker—I vaguely recall it—but that's what young people do when they go to taverns.

So let's not be overly smug about what we're achieving here. It's a not inappropriate change to liquor licence standards in licensed drinking places, but in and of itself it's not much of an attack on the date rape drug phenomenon.

I'll tell you what—and again, there could be a response from the government saying that these educational programs are already taking place. Stronger and ongoing and intrusive educational programs are needed. Second, I'm going to tell you, we need to enhance the ranks of liquor inspectors in this province. At the end of the day, it's liquor inspectors out there visiting taverns and licensed drinking places who are going to be able to identify problem areas—for instance, areas wherein the patron is obscured from the view of the staff person. Because the education can't just be with respect to patrons; it's also got to be with staff in these places. Surely the staff in a tavern have some responsibility to protect women to the extent that they can against the date rape drug phenomenon.

The whole issue of overcrowding—when is this more likely to happen, to be used? It's not going to be at the bar when there are only three patrons and the bartender. Common sense tells you it's going to be more likely to happen when the bar is crowded and conceivably overcrowded.

So I put to you that a strong educational program, an intrusive one that focuses not just on patrons but also on tavern owners and staff in bars—because, look, the LLBO has done a great job, for instance, with training bartenders about when to cut people off by responsible serving. They've done a tremendous job. I think what we need are programs that talk about the role of a staff person, including a tavern owner, around the date rape drug and looking for ways to discourage it and/or prevent it. There, done.

Bingo and booze: Well, good grief, we know why bingo halls are having a hard time making money. The critics of casinos said so 14 years ago; the casinos and the slots. The proliferation of slot machines in this province is what has undermined—because it's about charities who use the bingo facilities, right? So the charities are the ones that suffer. Then, of course, the final straw was the no smoking. Again, everybody in this Legislature agrees with the proposition of creating a smoke-free Ontario. I don't know if any of you ever worked—I was on some boards of volunteer agencies back before I got here, so I worked, not too often, some of the bingos. Even as a smoker, I found the smoking environment foul. I simply couldn't handle it—and I was a smoker at the

time, a heavy one. So nobody is quarrelling with the no smoking.

1740

But I say to the minister, please, think about it. Are the bingos having a difficult time? Yes. Down where I come from, church bingos were a staple back in the 1950s and in the 1960s; again, pre-casino, when church bingos were a staple. Those are all but gone, because nobody is interested in the small prizes anymore. Remember the raffles? The Lions Club, the Boy Scouts, Girl Guides could buy a television set or get one donated and raffle it off. Nobody is going to buy a raffle ticket for a TV anymore. Well, they don't, because people want the 649s. They want the million dollars. They don't want them as much today as they did a couple of days ago, because they're worried about the integrity of the system. Look, critics, everything we said about the casino phenomenon and the slot phenomenon has come true in terms of it sucking the life out of the ability of not just churches but charities to raise money. It's true. The Trillium funding, a modest return of the money—and I quite frankly wish it were more. But the real problem is the addiction of governments to gambling, not just problem gamblers. Those revenues are important.

So I'm just putting to you, does it make good sense, is it good social policy to have bingo players—and do you want to know something? Bingo is probably a far more appropriate activity for, let's say, a senior citizen than a slot machine is, because bingos require you to think and watch and pay attention. You're doing some mental exercise, as compared to the mindlessness, the incredible mindlessness as well as joylessness, of playing slots. You don't even have to pull the arm on those bandits anymore—you don't. It's just automatic. It's sad.

So we've got bingo, which has an element of skill attached to it—it does; some of these women, these wonderful women—I've got to confess, I campaign in the bingo parlours. You've got to really be careful not to do it in the middle of a game, right? You've got to time it just between calls. From time to time I drop in at the Rose City Seniors Centre on a Friday afternoon and I call bingo for a couple of minutes just because it's fun, and the folks there are fun folks.

But now you're going to provide booze in bingo parlours, where there is a legitimate element of skill required. I'm sorry, I'm not aware of any huge demand from bingo players to be able to get all drunk up while they're playing bingo; I'm really not. If you've got petitions—well, maybe the petitions will be drummed up by you, sir, but I'm just not aware of any. I've not been approached by a single bingo player. I was at the Rose City Seniors Centre but two weeks ago, dropping in to the little bingo room, and nobody tugged on my sleeve and said, "By God, Kormos, I need a shot"—or maybe a vodka martini or a Molson Canadian. Nobody said that to me.

I said this the other day: I'm not a temperance person. My predecessor, Mel Swart, was, God bless him; still is. He still hasn't had a drink in his life, and he's 86 years old. At least he says he has never had a drink in his life.



Heck, he was in the air force during the war; I don't know.

But I'm not sure that's good social policy, and I don't know where the demand is. I think you may be creating—is there profit in it? Of course, there is. But I've got to tell you, I really would like to hear some strong proof. I'd be interested in hearing what groups like MADD, Mothers Against Drunk Driving, probably one of the single most effective lobbyists that do their best to temper government's efforts to—because, let's face it, the government has some self-interest here too. The more booze that's sold, the more revenues there are for government. I'm expressing concern about that.

The consumer gift cards, the ones with those horrid expiry dates, just like yours from the LCBO—you won't clean up your own house first. Again, this is going to be done by regulation. The minister was very fair and clear about that. I wish the legislation were in the bill, because New Democrats say this very clearly and unequivocally: There should be no expiration date on those cards. You give your money to a retail store. They're making money off your money; they're earning interest on it. I'm looking forward to committee, because I'm going to ask legislative research to get us some figures in terms of how much our major retailers are holding at any given point in time. How much has the LCBO got as part of their bank account, cash that's in the form of out-there gift cards, some of which are going to expire?

These retailers or service providers are making money off it. There's just no rationale for it to expire at all. If the company goes out of business, goes bankrupt, well, it's gone out of business and gone bankrupt.

Canadian Tire money—I've got a stash of Canadian Tire money in Maxwell House coffee cans down in the basement, on the workshop desk, right? Don't even think of the basement. We've got pit bulls in the basement protecting that Canadian Tire money. Some of that Canadian Tire money is 15 years old, for Pete's sake, and it's as good now as when Canadian Tire issued it, as when Canadian Tire gave it to you. You even go to some small towns and you see pizzerias saying, "We accept Canadian Tire money." This is true; you've seen it. And why not? If Canadian Tire can do it, other retailers can do it too. Canadian Tire doesn't have an expiration date.

Now, I tell you, Heather Reisman from Indigo Books—you know the \$5 certificates you used to get for buying at Indigo Books? They had expiration dates on them. I accumulated a whack of those, walked into Indigo figuring I was going to buy myself some reading material, and they of course had expired. That's Heather Reisman. She should be ashamed of herself. As if she needed my money; she's got money coming out of her ears, amongst other places. Well, what are you laughing at, Mr. Takhar? What's the imagery you've got in your mind? Please. But Heather Reisman, of all the people who can afford to honour her \$5 certificates that you earn—shame on her. There's no reason.

Canadian Tire money is good 15, 20, 25, 30 years later. Gift certificates, bar none, should be as valid three

years down the road as they were the day after they were purchased. It's a rip-off. It's an outright scam. It's a shameful scam for any retailer or service provider not to honour a gift certificate when they got good money for it. It's also an incredible embarrassment, right? Your great aunt gives you a gift certificate, huh, and then two years later she's two years older, that much closer to her death because she's an old lady now, and she says, "What did you buy with the gift certificate?" What are you going to tell her? "It expired because I stashed"—you've got to lie and tell her you very much enjoyed the gift. No, it's a scam.

I'm hoping that we can count on you to ensure that the big retailers don't get to your policy people or, more importantly, to the Premier's office. If they're going to get to anybody, it's going to be to the Premier's office. It won't be you they'll get to. The marching orders will come out of the Premier's office. Oh, yeah, the mandarins in the Premier's office will have been leaned on. They will have been wined and dined in the course of it and they'll have been given some cock and bull about how accounting principles require us to have some sort of control on this outstanding gift card stuff. Canadian Tire has never had a penny that they've worried about. So there you go.

1750

Let me talk about the Internet gaming, and I want to congratulate Jeff Leal, the member for Peterborough, because he came forward with his Bill 60 that addressed this issue and it was incorporated into your legislation. We've had a chance to talk about this over the last couple of days, haven't we, Minister? Here the minister and his entourage and all the hangers-on and the groupies and the people who throw the rose petals down before he walks into the media room and who adjust the flags so they're draped just right behind that podium in the TV studio—here we go with the fanfare, the marching band, the cheerleaders, the pom-poms flashing in the air, and the minister talks about how it's necessary to control Internet gaming because we've got vulnerable people out there, people with gambling addictions, people who are under age, and the minister was motivated—the government, rather. The government was motivated by the welfare of these poor victims of the gambling proponents and of the anonymity of Internet gaming, and what do we discover?

**Mr. Kevin Daniel Flynn (Oakville):** You owe me 10 bucks.

**Mr. Kormos:** Talk about the minister being obliged to clean up his own backyard first—give Mr. Flynn his 10, please. Thank you very much. What had happened is, yesterday Mr. Flynn had bought one of the Welland Professional Fire Fighters Feel the Heat 2007 calendars for \$10. I didn't have change for his 20. He gave it to the staff person, Lisetta, who has been delighted with the calendar. I saw her a couple of hours later; she still hadn't reached October. That's the calendar, as you know, that's available at [www.wpffa.net](http://www.wpffa.net), the Welland Professional Fire Fighters Association: \$10. It's the tremendous people, Welland fire fighters, down at King



Street fire hall, amongst others, who are raising money for muscular dystrophy, amongst other things. So I had no qualms about promoting the calendar here at Queen's Park and I encourage folks in Welland and Niagara and even beyond to go to that website of [www.wpffa.net](http://www.wpffa.net), and you can get one over the Internet.

The Internet gaming: What did we learn? Your very own Casino Fallsview was promoting Internet gaming on its website. Interestingly, Minister, I'm told that that little promotion was pulled off the website after question period yesterday. I find that an interesting thing, and some progress, quite frankly. But you don't have as much concern about the vulnerable people getting on to Internet gaming as you do about the impact that the alternative gaming venues are having on the province's gaming venue. Mr. Leal, to be quite fair to him, was far more accurate and to the point when he explained his bill; weren't you, sir?

Mr. Leal made it very clear that his bill banning advertising of Internet gaming was in the interests of the slots in his riding. I'm no fan of slots, and I'm not suggesting Mr. Leal is, but they've become a regrettable reality for, as I say, this government, along with a whole lot of other governments in other jurisdictions across North America. Mr. Leal was far more candid about his motivation. You see, if the government was really concerned about underage people, vulnerable people—you see, ideally in a casino, staff will observe somebody and, just like bartenders who won't serve somebody who is drunk, casino staff will presumably, although there's no incentive for them to do this, help control problem gamblers. We know it doesn't happen, because they simply aren't given the opportunity, the incentive.

The other thing is the ineffectiveness of it. We've got to look at far more meaningful ways—and the sad thing is the reality. It's like the discussions we've had about film classification. Remember that debate around film classification, and almost the futility of it—because the Internet has changed all of us. The fact is, it's going to be very difficult. Cuba, for instance: I was just reading some articles in the Miami Herald that Cuba has actually managed with technology to vet some of the stuff that's available through websites. I've been there; I don't go

there often. You can go to the hotel and access computers, but somehow if you access certain sites, they'll have a little sign that comes on saying, "This application is going to shut down in a few minutes." I'm not suggesting that that's what should happen here in Ontario by any stretch of the imagination.

Internet gambling and banning the advertising—mind you, which football team is going to be hard hit because one of their big sources of revenue was the advertising of this? Look, if it's not going to be controllable, if you're not going to make it illegal, if it's impossible to make it illegal for people to game on these things, then why are you even talking about illegalizing the advertising when even that's going to be an ineffective sort of thing? It's going to be symbolic, and that's all, because you aren't going to be able to illegalize or control the pop-up ads on Google, Yahoo, Ask Jeeves or whatever it is that appears on your screen at your computer. You're not going to be able to control the broadcast radio or television out of the United States. Now we've got the Sirius Radio, the pay-as-you-go radio, satellite radio. You're not going to be able to control that. You're not going to be able to control publications that are mailed into the country by magazines, newspapers or things like that.

So who are we kidding? Why don't we sort of come clean on this whole thing and not try to pretend that we're going to control it at all? You may shut down a couple of billboards, if there are any; I don't know if there are. You may be able to shut down a couple of ads, again, perhaps in some sports arenas, if anybody is doing advertising of that type in those places. But, at the end of the day, you're not even going to make a dent into Internet gaming. Quite frankly, we should be looking at far more dramatic and different approaches to protecting people from gambling addictions and gambling obsessions, which can be so—you know, Chair, if you don't see the clock, I can keep going. You know that, don't you?

We could look at—

**The Acting Speaker (Mr. Joseph N. Tascona):** It being 6 of the clock, this House stands adjourned until Monday, October 30, at 1:30 p.m.

*The House adjourned at 1758.*

## TABLE DES MATIÈRES

**Jeudi 26 octobre 2006**

### **AFFAIRES D'INTÉRÊT PUBLIC ÉMANANT DES DÉPUTÉS**

<b>Loi de 2006 sur l'amélioration de l'autoroute transcanadienne (route 17), projet de loi 149, <i>M. Orazietti</i></b>	
Adoptée.....	5794
<b>Loi de 2006 modifiant la Loi électorale, projet de loi 146, <i>M. Patten</i></b>	
<i>M. McNeely</i> .....	5792
Adoptée.....	5794

### **DÉCLARATIONS MINISTÉRIELLES ET RÉPONSES**

<b>Perspectives économiques et revue financière</b>	
<i>M. Sorbara</i> .....	5797
<i>M. Tory</i> .....	5799
<i>M. Hampton</i> .....	5800

### **DEUXIÈME LECTURE**

<b>Loi de 2006 du ministère des Services gouvernementaux sur la modernisation des services et de la protection du consommateur, projet de loi 152, <i>M. Phillips</i></b>	
Débat présumé ajourné.....	5832



# CONTENTS

Thursday 26 October 2006

## PRIVATE MEMBERS' PUBLIC BUSINESS

<b>TransCanada Highway Improvement Act (Highway 17), 2006, Bill 149,</b>	
<i>Mr. Orazietti</i>	
Mr. Orazietti .....	5777, 5786
Mr. Miller .....	5779
Mr. Brownell .....	5779
Mr. Ouellette .....	5780
Mr. Bisson .....	5781
Mr. McNeely .....	5783
Mr. Wilson .....	5784
Ms. Smith .....	5785
Ms. Scott .....	5785
Agreed to .....	5794
<b>Election Amendment Act, 2006,</b>	
<i>Bill 146, Mr. Patten</i>	
Mr. Patten .....	5786, 5794
Mr. Sterling .....	5788
Mr. Brownell .....	5789
Mr. Wilson .....	5790
Mr. Prue .....	5790
Mr. McNeely .....	5792
Ms. Scott .....	5793
Mr. Ramal .....	5793
Agreed to .....	5794

## MEMBERS' STATEMENTS

<b>Native land dispute</b>	
Mr. Miller .....	5794
<b>World Psoriasis Day</b>	
Ms. Mossop .....	5795
<b>Water quality</b>	
Ms. Scott .....	5795
<b>Religious holidays</b>	
Mr. Tabuns .....	5795
<b>Mac Cuddy</b>	
Mrs. Van Bommel .....	5796
<b>Supply management</b>	
Mr. Barrett .....	5796
<b>Amyotrophic lateral sclerosis</b>	
Mr. Brownell .....	5796
<b>Report, Office of the Integrity Commissioner</b>	
Mr. Sergio .....	5796
<b>Justice system</b>	
Mr. Duguid .....	5797

## MOTIONS

<b>House sittings</b>	
Ms. Wynne .....	5797
Agreed to .....	5797

## STATEMENTS BY THE MINISTRY AND RESPONSES

<b>Economic outlook and fiscal review</b>	
Mr. Sorbara .....	5797
Mr. Tory .....	5799
Mr. Hampton .....	5800

## ORAL QUESTIONS

<b>Ontario economy</b>	
Mr. Tory .....	5801
Mr. Sorbara .....	5801, 5804, 5808
Mr. Hampton .....	5803, 5804
Mr. McGuinty .....	5803
Mr. Ramsay .....	5803
Mr. Zimmer .....	5808

## Ontario Lottery and Gaming Corp.

Mr. Tory .....	5802
Mr. McGuinty .....	5802
Mr. Caplan .....	5803, 5805
Mr. Runciman .....	5805

## Hydro rates

Mr. Hampton .....	5805
Mr. Ramsay .....	5806

## Brownfield sites

Mr. Levac .....	5806
Mr. Gerretsen .....	5806

## Hospital services

Mr. Wilson .....	5807
Mr. Smitherman .....	5807

## Affordable housing

Ms. DiNovo .....	5808
Mr. Gerretsen .....	5808

## Education

Mr. Klees .....	5809
Ms. Wynne .....	5809

## National child benefit supplement

Mr. Prue .....	5809
Mrs. Meilleur .....	5810

## Home care

Mrs. Mitchell .....	5810
Mr. Smitherman .....	5810

## PETITIONS

<b>Highway 26</b>	
Mr. Wilson .....	5811
<b>Long-term care</b>	
Ms. Martel .....	5811, 5812
<b>Immigrants' skills</b>	
Mr. Leal .....	5811
<b>Child custody</b>	
Mrs. Elliott .....	5812

## School closures

Mrs. Van Bommel .....	5812
-----------------------	------

## Spring bear hunt

Ms. Scott .....	5812
-----------------	------

## Landfill

Mr. McNeely .....	5813
-------------------	------

## School facilities

Mr. Wilson .....	5813
------------------	------

## Public transit

Mr. Berardinetti .....	5813
------------------------	------

## Fair access to professions

Mr. Arthurs .....	5813
-------------------	------

## Speech and language services

Mr. Wilson .....	5814
------------------	------

## SECOND READINGS

### Ministry of Government Services

#### Consumer Protection and Service Modernization Act, 2006, Bill 152,

*Mr. Phillips*

Mr. Phillips .....	5814, 5819, 5827
Mr. Dhillon .....	5817
Mr. Chudleigh .....	5818
Ms. Horwath .....	5818, 5828
Mr. Berardinetti .....	5819
Mr. Tascona .....	5819, 5820, 5828
Mr. Kormos .....	5827, 5829
Ms. Scott .....	5828
Debate deemed adjourned .....	5832

## OTHER BUSINESS

### Visitors

Ms. Scott .....	5811
-----------------	------

### Business of the House

Mr. Phillips .....	5814
--------------------	------

Continued overleaf



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**Legislative Assembly  
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Claude L. DesRosiersPrésident  
L'honorable Michael A. BrownGreffier  
Claude L. DesRosiers



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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 30 October 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 30 octobre 2006

*The House met at 1330.  
Prayers.*

### MEMBERS' STATEMENTS

#### WATER QUALITY

**Mr. Garfield Dunlop (Simcoe North):** Last week, the McGuinty Liberals spent most of their time in statements condemning the opposition parties for not supporting Bill 43. Let me make it very clear: I do not support Bill 43, because it does not protect precious groundwater around new landfills while at the same time handcuffing the agricultural community to abide by new strict rules without compensation.

How much did the McGuinty Liberals listen to the citizens of North Simcoe site 41 following the Walkerton tragedy? Not at all. Did they listen to the opposition they received in the form of thousands of letters and e-mails? No. Did they listen to the thousands of signatures they received on petitions? No. Did they listen to the Environmental Commissioner of Ontario in his 2004 annual report? No. Did they listen to the private member's bill Waste Disposal Site 41 in the Township of Tiny Act, that parallels the Adams Mine Lake Act, which I introduced? No, they did not. Did they listen to the expertise provided by experts in the field from around the world? No, they did not. Did they listen to Tiny's Residents Working Together and the five busloads of citizens who held a rally here on August 21, the opening day of the Clean Water Act? No, they did not.

What did they do? On Friday 21 October, the day after the Clean Water Act was proclaimed, they gave the final approval of site 41. Site 41 will contaminate the groundwater. Shame on Dalton McGuinty for allowing this to happen to the people in the township of Tiny.

#### INTERNATIONAL PLOWING MATCH

**Mr. Jeff Leal (Peterborough):** I am pleased to rise in the House today to congratulate the organizers of the 2006 Peterborough county International Plowing Match and Rural Expo. I wish to thank the Ontario Plowmen's Association, the Peterborough County Plowmen's Association and the more than 2,200 volunteers for ensuring that the highest standards set by the North American Farm Show Council were met, if not exceeded.

Congratulations to local IPM Chairman Norm Blodgett, who has volunteered his time since 2004 to create Ontario's premier outdoor Rural Expo.

Finally, host farm family Jim and Marg Glenn deserve a special thank you for welcoming more than 81,000 visitors to their family farm. On Friday night they were honoured by the Greater Peterborough Chamber of Commerce and the Peterborough County Federation of Agriculture with the 2006 Peterborough Farm Family of the Year Award.

Now that the dust has settled on Mather's Corners, we can all reflect on the tremendous success of this year's IPM. You've made Peterborough and Ontario very, very proud.

#### HOSPITAL FUNDING

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** As you know, P3s are public-private partnerships by which a government gets a consortium of private companies to finance, build and maintain buildings for a set amount of money.

Let me remind the House what Dalton McGuinty had to say about P3s just a few short years ago: "P3s represent an extraordinary departure from our history when it comes to public hospitals." "We don't support the Americanization of hospitals." But oh, how times have changed.

On Friday, the Royal Ottawa Hospital, a P3 initiative of the former Conservative government, was officially opened with Premier McGuinty front and centre—part of his self-congratulatory tour. What is galling is that, during the 2003 campaign, Dalton McGuinty and the Liberals spoke strongly against the Conservatives' P3 hospital initiatives. In Brampton, Liberal candidates actually went door to door fear-mongering, telling the voters that their brand new hospital would be charging patients high fees because it was a triple-P project.

The former PC government knew that P3s were the way to rebuild our province's aging hospital infrastructure; Dalton McGuinty and the Liberals knew that as well. Clearly, this is yet another case of saying anything, doing anything, just to get elected—then flip-flop. This is ironclad proof that the Premier's words, promises and positions are nothing more than shallow attempts to get a vote.

A warning to the people of Ontario: He has done it before; he will try to do it to you again.

#### CHILD CARE

**Ms. Andrea Horwath (Hamilton East):** Several significant developments have occurred recently on the



child care front. Last Wednesday, the Ontario Coalition for Better Child Care released their guide book, which identifies their expectations of the McGuinty government. It's an excellent report. I highly recommend it, and congratulate the many hard-working individuals and groups that produced it. In fact, I have order forms here for anybody who would like to order the guide.

It reflects the participation of working women, people with disabilities, lower-income groups, single parents, rural and First Nations communities, immigrants, refugees and other racialized communities. It talks about the need for inclusion, for subsidies and investment, for decent wages in the child care sector.

We can't let the ever-present and growing need for regulated, not-for-profit, affordable child care drop from the radar screen just because the McGuinty Liberals haven't lived up to their promise. They say they recognize the importance of a child's early years and the provision of quality child care for all children, yet they haven't put the funding into the expansion they promised. They say they value the role of ECE and child care workers, but have done nothing to address the low pay and workplace issues they face.

We've seen the McGuinty government playing somewhat of a shell game over child care funding. They promised \$300 million investment for new child care spaces and it never arrived. The Harper cutbacks are wrong and shameful, but the pulling back by the McGuinty government is unconscionable.

Last week, we marked Child Care Worker and Early Childhood Educator Appreciation Day. If the McGuinty government really values child care programs and the early years specialists who provide them, then show it with decent wages and working conditions, and flow the promised investments that never came.

#### ONTARIO TRILLIUM FOUNDATION

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** I rise in the House today to draw attention to some of the many grants that the Ontario Trillium Foundation is providing to communities in my riding, as they're doing throughout the province of Ontario. Each year, the Ontario Trillium Foundation makes approximately 1,500 grants to non-profit and charitable organizations. These grants are in great demand.

Grants announced in 2006 in my riding of Pickering–Ajax–Uxbridge included: the Uxbridge Bowling Club, some \$53,800 to make recreational activities more accessible throughout the year; the Uxbridge-Scott Historical Society, some \$22,700 to improve accessibility to and the safety of their site; the Pickering Ajax Italian Social Club, some \$66,700 to ensure continued access to sports and recreation; the corporation of the township of Uxbridge, \$71,000 for their library facility repairs; the Frenchmen's Bay Yacht Club, some \$79,000 to make their entrance and washrooms accessible, and to integrate those with disabilities into their program; and the L.M. Montgomery Society of Ontario, \$50,000 for the restor-

ation of the Leaskdale Manse Museum, a national historic site, through completion of a conservation plan.

Grants announced in 2006 also served the broader part of the region of Durham, and those include: the Durham Children's Groundwater Festival, \$68,000; the Women's Multicultural Resource and Counselling Centre of Durham, \$100,000 to ensure programs are available for those who are immigrants to our community and refugees. Those are a few of the grants that the Ontario Trillium Foundation has announced in 2006.

1340

#### FEDERAL-PROVINCIAL CO-OPERATION

**Ms. Lisa MacLeod (Nepean–Carleton):** Exactly seven months ago today, I was elected by the people of Nepean–Carleton to represent them in this place. The day before that, I was proud to work for Canada's new government in Ottawa. As a member of this Legislature, I'm proud to work with my former colleagues in the federal government in Ottawa and with the municipality that I represent. I think working with other levels of government on behalf of the people, for the people, is the right thing to do.

This government clearly disagrees. In a bitter and twisted moment, the Premier referred to three of his former colleagues in this place—my predecessor, in fact—as “a recurring nightmare,” because they are serving our province and our country in the federal cabinet, doing the job they were elected to do by the people of this province and the people of this country. Not only was the Premier as antagonistic—

#### *Interjections.*

**Ms. MacLeod:** —as his members are right now, but it was a vast departure from his comments after the federal election, when he said, “Well, that was another government, at another time in history.”

The Premier will say one thing to Ontario's face but another behind its back. If he truly wanted to stand up for Ontario, he'd be working with Ministers Baird, Flaherty and Clement like the people expect him to. But instead, day in and day out, the McGuinty model of diplomacy is played out in this Legislature like it is right now. It is polarizing, and it is wrong. It pits us against them and it pits Ontario against Canada, and that is not helpful.

Building a partnership with the rest of Canada, including with Canada's new, and I might add honest, government is what is best for the residents of Ontario. But you know what they say: When you get in trouble at home, you pick a fight with the feds. I hardly call that standing up for Ontario. It sounds more like falling poll numbers.

#### OCCUPATIONAL THERAPY

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** Recently we had some very special guests visit us here at Queen's Park. They were the graduating class of the University of Toronto's occupational therapy program for 2006-07. These young men and women will



soon begin their careers in a field that will only gain importance in the coming years.

Ontarians as a whole work long hours on the job, and it becomes more common for them to incur injuries, ranging from repetitive stress syndrome to the all-too-common BlackBerry thumb. Occupational therapists take a look at our work environments and strive to make them more worker friendly, leading to increased productivity, less strain and fewer hospital visits.

These students came to Queen's Park to thank the Minister of Health and Long-Term Care, the Minister of Education, the Minister of Training, Colleges and Universities and this government for supporting them. By investing in the occupational therapy program at the University of Toronto, this government has demonstrated foresight both in terms of supporting these young students and in terms of investing in the future of Ontario's workers and the health care system.

I wish to congratulate the students of the University of Toronto's occupational therapy program for coming to Queen's Park to recognize the government that is listening, and I join them in thanking this government for again showing leadership in planning for the future in health care. I wish to congratulate all future occupational therapists and wish them the very best in their studies in classrooms and field placements across this province.

#### HEALTH CARE

**Mr. Phil McNeely (Ottawa–Orléans):** When this government was elected to office in 2003, the health care system of this province was in ruins after years of severe budget cuts by the previous NDP and Conservative governments. Hospitals had been closed, services were reduced, and thousands of doctors and nurses had been laid off. The only thing that increased during these difficult years was the length of time Ontarians had to wait for life-saving treatment.

But this government puts the health and safety of Ontarians first. We invested \$611 million in new medical procedures to reduce wait times. We increased hospital funding by \$2.4 billion. We hired more nurses and doctors and increased spaces in medical training programs. We invested millions to increase long-term-care beds.

I'm pleased to inform the House that Ontarians are being treated faster than other Canadians from coast to coast. Recently, the former CMA president gave us high praise when he said that Ontario has gone "from a laggard to a leader." In fact, in every category measured in a recent survey, Ontario now consistently shows the shortest wait times of all provinces, with the shortest wait time for specialist consultations, 7.4 weeks; the shortest wait time for treatment after seeing a specialist, 7.5 weeks; the shortest wait time for a CT scan, 4.3 weeks; the shortest wait time for an MRI, eight weeks; and the shortest wait time for ultrasounds, two weeks.

The results of this study show that the hard work of this government has paid off. It shows that this gov-

ernment is the only government to which Ontarians can trust their health care.

#### HYDRO RATES

**Mr. David Oraziatti (Sault Ste. Marie):** Last Thursday, the member from Kenora–Rainy River, Mr. Hampton, suggested that the recent challenges faced by St. Marys Paper in Sault Ste. Marie are solely because of energy issues and said, in reference to our government, "We see you drive hydro rates through the roof."

If the leader of the third party had bothered to get the facts straight on St. Marys, he would have found that in 2003 they were paying 6.8 cents a kilowatt hour and are now paying 6.4 cents. This comes as a result of our government's commitment to bring new power online in this province after years of inaction.

We have produced more than 3,000 megawatts, on target for 10,000 megawatts.

The leader of the third party talks a lot about electricity, but when his party was in power they built no new electrical supply, paid \$150 million to cancel the Manitoba power agreement and raised hydro rates by 40%.

It's reprehensible that the NDP is preying on the fears of families and using this situation for cheap political gain. While they're handing out partisan flyers in the Soo, our government is working on real solutions for St. Marys Paper, the workers and their families.

This company, like many others, has been hard hit by a high Canadian dollar, and we all know that this factor alone is having the greatest effect on the company's ability to meet its pension obligations. So we're working to find efficiencies in areas that we, as a province, can influence.

We've provided \$900 million to support the forestry sector. We've introduced innovative purchasing agreements to help create projects like the Brookfield wind farm and ASI's cogen project.

Funding is available for St. Marys Paper to help them build a cogeneration project. We're at the table for St. Marys Paper, the workers—

**The Speaker (Hon. Michael A. Brown):** Thank you.

#### INTRODUCTION OF BILLS

##### FISH AND WILDLIFE CONSERVATION AMENDMENT ACT (DOUBLE-CRESTED CORMORANTS), 2006

##### LOI DE 2006 MODIFIANT LA LOI SUR LA PROTECTION DU POISSON ET DE LA FAUNE (CORMORANS À AIGRETTES)

Mr. Parsons moved first reading of the following bill:  
Bill 156, An Act to amend the Fish and Wildlife Conservation Act, 1997 / Projet de loi 156, Loi modifiant la Loi de 1997 sur la protection du poisson et de la faune.



**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry? Carried.

The member may wish to make a brief statement.

**Mr. Ernie Parsons (Prince Edward–Hastings):** This bill is intended to address the crisis that is being created in rural Ontario by the astronomical growth in the number of double-crested cormorants.

It is believed that the double-crested cormorants consume more fish in Ontario, at the rate of one pound per bird per day, than commercial fishing, sport fishing and poaching all put together. In addition, they are devastating the landscape in parts of rural Ontario, making public beaches unusable.

This bill will reclassify the double-crested cormorant to be considered in the same family as American crows, brown-headed cowbirds and common grackle and in fact will allow for greatly increased opportunities for the harvesting of these double-crested cormorants.

## MOTIONS

### HOUSE SITTINGS

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Once again, the much-anticipated motion, as follows—the member for Bruce–Grey–Owen Sound is awaiting this; the member for Niagara Centre is awaiting this. I move that pursuant to standing order 9(c)(i), the House shall meet from 6:45 p.m. to 9:30 p.m. on Monday, October 30, 2006, for the purpose of considering government business.

**The Speaker (Hon. Michael A. Brown):** Is it the pleasure of the House that the motion carry?

All in favour will say “aye.”

All opposed will say “nay.”

In my opinion, the ayes have it.

Call in the members. This will be a five-minute bell.

*The division bells rang from 1349 to 1354.*

**The Speaker:** Mr. Bradley has moved government notice of motion 219. All those in favour will please rise one at a time and be recognized by the Clerk.

**The Speaker:** All those opposed will please rise one at a time and be recognized by the Clerk.

### Nays

DiNovo, Cheri  
Horwath, Andrea  
Kormos, Peter

Marchese, Rosario  
Murdoch, Bill  
Prue, Michael

Tabuns, Peter  
Yakubski, John

**The Clerk of the Assembly (Mr. Claude L. DesRosiers):** The ayes are 51; the nays are 8.

**The Speaker:** I declare the motion carried.

### VISITORS

**Hon. Rick Bartolucci (Minister of Northern Development and Mines):** On a point of order, Mr. Speaker: I'd like to welcome—and I know I speak for everyone in the House here—Lynn Peterson, the mayor of Thunder Bay. Her dedication to northern Ontario is truly appreciated by all.

**Mr. Mario G. Racco (Thornhill):** On a point of order, Mr. Speaker: I want to introduce the students from Leo Baeck Day School from Thornhill on this side of the House.

## STATEMENTS BY THE MINISTRY AND RESPONSES

### FAMILY MEDICAL LEAVE

**Hon. Steve Peters (Minister of Labour):** Today I'm pleased to announce that family medical leave has been expanded to allow many more people to take the time they need to care for a gravely ill loved one. They can do this without worrying about losing their jobs. Before today, the people who could take family medical leave were limited to a number of immediate family members. Family medical leave can now be taken to care for brothers, sisters, aunts, uncles, grandparents, nephews and nieces. It can also be taken to care for certain relatives of an employee's spouse. Even a close friend who is not a direct family member may now be eligible for family medical leave.

This government recognizes that people need assurances that while they are caring for the gravely ill, their jobs will be protected. By expanding the number of people who can benefit from family medical leave, we are now creating a new level of fairness. Members will recall that our government introduced amendments to the Employment Standards Act to create family medical leave in 2004 that were subsequently passed by this Legislature. Family medical leave ensures that Ontario employees who must take time off work to care for seriously ill loved ones do not lose their jobs. Our government is on the side of families who need to support loved ones during their final days.

Now, because we see the benefit in providing this leave, we believe it is right to make it possible for more

### Ayes

Amott, Ted  
Arthurs, Wayne  
Balkissoon, Bas  
Bartolucci, Rick  
Bentley, Christopher  
Bountrogianni, Marie  
Bradley, James J.  
Brotten, Laurel C.  
Brownell, Jim  
Bryant, Michael  
Cansfield, Donna H.  
Caplan, David  
Colle, Mike  
Crozier, Bruce  
Delaney, Bob  
Dhillon, Vic  
Di Cocco, Caroline

Dombrowsky, Leona  
Duguid, Brad  
Elliott, Christine  
Flynn, Kevin Daniel  
Hardeman, Ernie  
Hoy, Pat  
Jeffrey, Linda  
Kular, Kuldeep  
Kwinter, Monte  
Leal, Jeff  
Levac, Dave  
Marsales, Judy  
Matthews, Deborah  
McNeely, Phil  
Miller, Norm  
Munro, Julia  
O'Toole, John

Oraziotti, David  
Parsons, Ernie  
Peters, Steve  
Phillips, Gerry  
Racco, Mario G.  
Ramal, Khalil  
Rinaldi, Lou  
Ruprecht, Tony  
Sandals, Liz  
Smitherman, George  
Sorbara, Gregory S.  
Tascona, Joseph N.  
Van Bommel, Maria  
Watson, Jim  
Wilson, Jim  
Witmer, Elizabeth  
Zimmer, David



Ontarians to qualify for this program. In doing so, we recognize today's society, where family members may be hundreds if not thousands of miles apart; we recognize those people who are not in a traditional family situation; we also recognize the diversity of today's multi-ethnic society, with many groups relying on extended family to support one another. Our government understands that many can provide critically important support when illness strikes, not just a family member.

1400

Under family medical leave, an employee can take up to eight weeks of job-protected leave to provide care or support to a person who has a serious medical condition with a significant risk of death occurring during a period of 26 weeks. Family medical leave also allows people to better balance their work and family responsibilities, similar to pregnancy and parental leaves. Some employees may also be eligible for the employment insurance compassionate care benefit program.

You don't have to look far to see the growing level of employee stress due to work-family conflict caused by an aging population and increasing workplace demands. Employees are more likely to miss work because of caregiving responsibilities. Caregivers, we have to recognize, are under stress. Someone they love is gravely ill. Family medical leave provides support to individuals in that time of need.

It also is a positive step for businesses. Providing job-protected leave supports business by creating a more positive, loyal and productive workplace for employers. Employers know that family caregiving has a direct impact on workplaces. We believe in supporting Ontario families during difficult times. The approaching death of a loved one is one of the most difficult passages in life. The availability of care from family members will allow many to remain in familiar surroundings for much longer. They will have the comfort and support of those dearest to them.

This government is committed to improving the quality of life for the people of Ontario. This change provides support to even more families when they need it most. It further strengthens the working relationship between employers and employees, and it will provide comfort to more people who are seriously ill.

Family medical leave is the result of a compassionate government that cares for Ontario families. The expansion of family medical leave is good for families, it's good for employees and it's good for employers, but most of all, it's good for the citizens of Ontario.

**The Speaker (Hon. Michael A. Brown):** Responses?

**Mr. Jim Wilson (Simcoe-Grey):** In response to the Minister of Labour's statement on expanding family medical leave, I want to say that certainly we're in support of that. It's a program that was put in place in 2004, and we're certainly supportive. I don't know anyone who wouldn't be supportive, except maybe those people who don't have a job in Ontario because of the punitive taxation and the levels of wasted spending that this government has been putting on the people of Ontario.

They wasted \$6 million to drop the "C" from the OLGC, \$20 million for raises for Liberal appointees in government agencies and boards, \$100 million for partisan government advertising, \$91 million to fire nurses, and \$219,000 to pay a Liberal ad firm to redraw the trillium logo. This government is out of touch with the middle class. You are overtaxing them, wasting money, and therefore people are out of jobs.

Ninety thousand manufacturing jobs have been lost since the beginning of 2005. At least 4,000 forestry jobs were lost in that time. Ontario's unemployment rate is higher than the national average for only the second time in 30 years. RBC forecasts that Ontario will be dead last in Canada in economic growth this year and is on the cusp of a recession.

Some of those jobs that have been lost—I'll just read: Imperial Tobacco at Guelph and Aylmer, closure, 555 jobs; GM in various locations, layoffs, over 1,000 jobs lost; Ford, layoffs, over 1,100; DaimlerChrysler, over 1,000 jobs lost; Sears in various locations, 1,200 jobs lost; Backyard Products in Collingwood, 230 jobs lost; Blue Mountain Pottery, Collingwood, 37 jobs lost; Kaufman Furniture, Collingwood, 147 jobs lost; Nacan Starch Products, Collingwood, 87 jobs lost; Automation Tooling System, ATS, in Cambridge and Burlington, over 139 jobs lost; Nestlé plant in Chesterville, closure, 300 jobs lost; La-Z-Boy in Waterloo, closure of that plant, 413 jobs lost; Ferranti-Packard, St. Catharines, 212 jobs lost; Norampac Inc., Red Rock, 175 jobs lost; Uniboard Canada Inc., New Liskeard, 73 jobs lost; Trent Rubber in Lindsay, closure of the plant, 124 jobs lost; ERCO Worldwide, Thunder Bay, 26-plus jobs lost; Glenoit, Elmira, closure, 75 jobs; Hemosol, Mississauga, 50 jobs lost—

*Interjection.*

**Mr. Wilson:** It has everything to do with the statement. You get up and you expand a program, but if you don't have a job, family medical leave isn't going to do you any good.

Sleeman, Guelph, 40 jobs lost; Glis Inc., Sarnia, 35 jobs lost; Bazaar and Novelty, St. Catharines, 200 jobs lost; Rheem Canada, Hamilton, closure, 150 jobs lost; Ball Packaging, Burlington, 100 people laid off; Redpath Sugar, Niagara Falls, 20 jobs lost; Harrowsmith cheese, Harrowsmith, 89 jobs lost; World's Finest Chocolate Factory, Campbellford, 125 jobs lost; Hershey Chocolates, Smiths Falls, 50 jobs lost; KUS Canada Inc., Leamington, 120 jobs lost when that plant closed; Prescott Shirt Co., Prescott, 53 jobs lost; Nexen, Amherstburg, 20 jobs lost; Columbia Forest Products, Rutherglen, 63 jobs lost; Cascades Inc., Thunder Bay, 375 jobs lost; Fleetwood Metal Industries, Tilbury, 130 jobs lost; ABB, Guelph, 280 jobs; AFG Glass, London and Concord, 250 jobs; Humpty Dumpty, Brampton, 188 jobs lost; Saint-Gobain, Brantford, 39 jobs lost; Domtar, Ottawa and Cornwall, almost 1,000 jobs lost; Dana, Burlington, 80 jobs lost; Smurfit-Stone, Pembroke, 140 jobs lost; GDX Automotive, Welland, 150 jobs lost; ABC Taxi, Sudbury, 60 jobs lost; VSA LLC, Kitchener, 150 jobs lost; Ford, St. Thomas and Windsor, 1,200 jobs lost; John Deere,



Woodstock, 325 jobs; Bowater, Thunder Bay, 280; Curwood Packaging, Georgetown, 147 jobs lost; Good-year, Collingwood, 37 jobs lost; Winpack Technologies, Toronto, 250 jobs lost; Maytag, the head office in Burlington, 90 jobs cut there; Sterling Truck, St. Thomas, 600 jobs slashed there; International Truck, Chatham, 500 jobs lost there; Wallaceburg Preferred Partners, 250 jobs lost there.

I've got six more pages here of hundreds and hundreds more jobs that have been lost because there's no economic plan from this government. They're wasting taxpayers' money and they don't care about the middle class and people having good jobs.

**Mr. Peter Kormos (Niagara Centre):** The irony of this announcement is that the people who have the greatest need to care for their own families—because they don't have the economic means, they don't have the assets and the resources to pay for private care—are the ones working at such low-wage jobs that they can't afford to take unpaid time off work to engage in that care. Here's a government that talks about compassion, yet it's a government that refuses to raise the minimum wage, the bare-bones minimum of \$10 an hour, like New Democrats have advocated and like Cheri DiNovo put forward in a private member's bill just a week ago, that even the Toronto Star endorses editorially.

When you've got workers, most of them increasingly women, working not just at one job but literally, no longer proverbially, at two and three jobs, we know where they're working. We know these women. We see them at 6 a.m. in the 7-Elevens, on their feet all day to 3 o'clock, until they get the kids home from school. Then they go off to the evening job in a restaurant or tavern, again working for minimum wage and hoping for a few tips.

These are not anonymous people, these are not non-people, these are not mere statistics; these are real people. Ms. DiNovo has spoken of them most graphically and passionately when she addressed that issue but a few days ago here in this Legislature.

Here's a government that talks about compassion for workers and their families, but it still won't let every worker in this province belong to a trade union and engage in free collective bargaining, not just around wages but around workplace health and safety.

The Liberals in the year 2006 still say to agricultural workers in this province that, the Charter of Rights and Freedoms notwithstanding, agricultural workers will not be allowed, in Dalton McGuinty's Ontario, to belong to a trade union and to organize and collectively bargain around wages and workplace health and safety.

Here's a government that talks about compassion for workers and their families, but will they extend card-based certification to every worker in this province so that the poorest workers, so that the workers who are most at risk in their workplaces, so that the lowest-paid workers, so that the workers doing some of the most dangerous jobs in this province, could form a trade union and collectively bargain as well? Compassion, my foot. It takes a lot to sit and listen to Liberals talk about com-

passion for workers and their families when Wal-Mart is running rampant with anti-union campaigns and this government refuses to give those poorest workers some of the most modest tools to permit them to engage in trade union organization.

**1410**

Over the course of the last two years alone, you accommodated 118,000 workers. They've got all the time in the world now to take care of ill family members because they don't have jobs. Just last week, at Casino Niagara: 104 people tossed out like that in a New York minute; 300 positions eliminated, and the minister had the compassion to stand and say that the government would aid these people in their retraining. They've already been retrained, Minister. They were the people who used to work at Ferranti-Packard. They were the people who used to work at Atlas Steel. They were the people who used to work at E.G. Marsh. They were the people who used to work at Ford glass. They already lost their jobs in Dalton McGuinty's Ontario. They're one of the 118,000. You retrained them. You trained them to be blackjack dealers, and now you've laid them off. You've tossed them out the door. You introduced technology that's going to guarantee bigger and bigger profits for casinos and more and more revenues for the province but fewer and fewer jobs for those workers for whom the casino was the workplace of last resort.

I say that this government hasn't displayed compassion for workers and their families. This government has displayed disdain for workers and their families. This government has displayed disdain for single moms who work at two and three jobs, working incredibly hard, oftentimes in incredibly dangerous workplaces and under dangerous circumstances and for the lowest of wages. This government hasn't shown compassion for senior citizens, people who've worked all their lives trying to continue to support themselves on pensions that become worthless over the course of a few years of this government's skyrocketing electricity prices and this government's refusal to tackle property taxes going through the roof, which is forcing senior citizens in their retirement years into literal homelessness after spending a lifetime of working, a lifetime of investing and often paying for that home twice as they put kids through university or community college.

This government has betrayed workers in this province. This government has betrayed workers and their families. This government has betrayed retirees. I take no solace from today's announcement—

*Interjections.*

**The Speaker:** Order.

## ORAL QUESTIONS

### POST-SECONDARY EDUCATION

**Mr. Jim Wilson (Simcoe-Grey):** My question is to the Minister of Training, Colleges and Universities. Min-



ister, if you walk out the front doors of the Legislature you'll notice that there are students holding a mock funeral for post-secondary education in Ontario. This protest doesn't seem to jibe with Mr. McGuinty's self-appointed claim to be the education Premier. You claim to be funding an additional \$6.2 billion of post-secondary education, while the Ontario Undergraduate Student Alliance points out that you are spending half that money during this mandate, and the other half won't be spent until after the next election.

On over 40 occasions you've used the \$6.2-billion figure as if it's already been invested. In fact, the finance minister said last Thursday in this House, "Today, hundreds of thousands of students are benefiting from our historic \$6.2-billion investment in post-secondary education." Minister, why do you continue to use a figure that has no bearing on what is actually happening? You'll certainly say anything to get re-elected.

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** It's a great question coming from the party that raised tuition between 100% and 1,000% on the students in the province of Ontario. It's a great question coming from the member. The first act they did was to cut universities' and colleges' budgets by up to 20%.

We have invested in post-secondary education and skills training in the following ways: \$6.2 billion over five years. That's money going out the door. It means that college and university budgets are increasing by 26.4% over just four years. It means almost 200,000 students are receiving OSAP and 120,000 students are receiving grants. More opportunities, more assistance, more grants and higher-quality education for the students of Ontario: That's what Ontarians need from a party on post-secondary education, not the cuts that you delivered.

**Mr. Wilson:** This is a government that continues to live in the past.

Here's what the Ontario Undergraduate Student Alliance says: "A detached look at the numbers reveals that the public should not be left with the impression that all is well with higher education."

Here's what the Council of Ontario Universities says: "The government funding announced to date and the tuition revenues ... will not keep pace with anticipated enrolment growth. When university inflation ... is factored in, the resources per student are likely to leave Ontario still near last place among provinces in per-student funding for universities."

Why don't you just admit that rather than putting in unprecedented levels of funding, what you're really doing is an unprecedented number of photo ops and announcements using inflated numbers?

**Hon. Mr. Bentley:** I think the member clearly outlines the challenge, that after their government and the NDP years, we have a huge mountain to climb. That's why we needed the investment of \$6.2 billion in post-secondary education and training. What have we accomplished? Eighty-six thousand more students today are receiving post-secondary education than when we started,

and that's progress; 120,000 students are receiving grants, including the restoration of upfront tuition grants to 60,000 students, which were cut by the NDP; 27% more assistance to students who need to be able to afford post-secondary education. During all of their years and all of their rhetoric, the NDP and the Tories raised tuition, but they didn't raise student assistance after 1993. And 800 more professors, better equipment, updated student support services—more students, better opportunities, higher-quality education. That's our commitment.

**Mr. Wilson:** Minister, not only have you been inaccurate in terms of the funding numbers you've used, you're also spreading inaccuracies in your statements about the student access guarantee program. Last week, in estimates, you admitted that 20,000 potential students a year apply but do not qualify for OSAP, and therefore do not qualify for your student access guarantee program. When you announced this initiative, you said, "No qualified Ontario students will be prevented from attending Ontario's public colleges and universities due to a lack of financial support programs." How can you call this a guarantee, when you've admitted that 20,000 students a year are turned away from this program?

**Hon. Mr. Bentley:** Unbelievable: The party that raised tuition between 100% and 1,000% without increasing student assistance by one penny per student now worries about affordability. When we brought in the Reaching Higher plan, we doubled the student aid budget. Every individual student now qualifies for more, with 120,000 students receiving grants, and 60,000 upfront tuition grants, when two years ago there were none.

He had a guarantee: a guarantee of paying more and getting less. Our guarantee is more opportunities, more assistance in grants, higher-quality education and a commitment to the future of the province of Ontario. And what did you say to the colleges and universities when you cut their budget in the first year by 20%? What was the statement that you made then?

## HOSPITAL SERVICES

**Mrs. Elizabeth Witmer (Kitchener-Waterloo):** My question is for the Minister of Health. After three years of delay and denial, you finally acknowledged that you were aware of the crisis in emergency rooms across the province of Ontario. However, your response has focused not on the emergency room crisis but rather on your public relations crisis. Your announcement on Friday contained no timelines and no measurements. Will you tell us why Friday's announcement did not contain timelines or measurements?

1420

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** The reality is, of course, that for three years now we have been working to rebuild the system capacity that the honourable member's pen struck away from health care. The reports that we had worked on for Friday's successful



response have been written by health care institutions—the Ontario Hospital Association, the Ontario Medical Association—and their report laid the responsibility for the challenges of ERs on the decisions of previous governments, particularly with respect to doctor shortages and too small acute care capacity.

That minister's party reduced acute care capacity in Ontario by 22%. We're the party that's moving forward by reconstructing and, at 9%, bringing significant new capacity to the system while at the very same time adding community capacity as well. I think it's appreciated how much work was done by the Ontario Hospital Association, by the Ontario Medical Association and by community-based health care organizations working together, moving forward together. We're going to improve circumstances in Ontario's emergency rooms.

**Mrs. Witmer:** I would recommend to the minister that he look at all of the facts. The reality is that our government added 20,000 long-term-care beds to the system and we expanded community care services. I would suggest, as far as the statements that he's making, he knows that they're far away from the truth.

Minister, you said this summer that "addressing Ontario's increasing demand for health care services is a complex task, and we know that the answers aren't as easy as simply spending more money." True, and yet, throwing money at the problem is the only thing you've done in this case.

You've now had two reports. You've sat on some of them and you've ultimately ignored the recommendations. You received this last one. It had 16 recommendations and you've largely ignored them. As you know, they recommended performance targets, accountability frameworks, standards for emergency departments, and a methodology to define bed needs. Why are you ignoring the recommendations in this report?

**Hon. Mr. Smitherman:** It takes a considerable degree of chutzpah on the part of the honourable member to stand in this place and so directly contrast her comments with those of Dr. Bob Bell. On Friday, I was joined by one of the authors of the very report that the honourable member has just stood in her place and said that we sat on and that we ignored. I understand, for partisan purposes, why the honourable member brings her temperament and style to the Legislature and brings it on to me. But I don't understand, at the heart of it, why, when we're joined by the president of the Ontario Medical Association, by the head of the Ontario Hospital Association, by the president of our largest hospital, the signatory to the very report that the honourable member speaks about, she criticizes the sector. I don't understand that.

The report that she said we haven't responded to said this: "The main overarching causes of overcrowding are twofold: a lack of bed availability and a lack of integration between community and hospital health care resources. The number of acute care beds in Ontario fell by 22% during the mid- to late 1990s."

**Mrs. Witmer:** If we want to be truthful, the report also—by the way, I have recently met with Dr. Bell

myself, and I would say to you that the report says that it "provides a rational framework ... to assess whether funding of additional acute care capacity is required." This "may include funding of additional acute care beds, long-term-care beds, mental health beds, rehabilitation beds ... and community resources." So there's the truth, as opposed to what you're saying. It also says, "It is imperative that the ... recommendations be read and implemented as a collective ... a system-wide problem cannot be remedied by selecting only portions of a system-wide solution."

I ask you again, Minister: Why have you resisted the opportunity to introduce benchmarks and targets for emergency room wait times?

**Hon. Mr. Smitherman:** Here the member goes again, one more time. She's hard at it, attacking the health care system. Here's what was said on Friday: "We congratulate Minister Smitherman for acting on the issue of emergency department overcrowding and for recognizing that more acute care and long-term beds is at the heart of an effective systemic solution," said Alan Drummond, an emergency physician and spokesperson for CAEP."

The point was made so clearly on Friday. We're taking these important steps forward and we're building on a critical care capacity that added \$90 million in January. As for health care and emergency rooms, there's really important and challenging work that must yet be done. We all agree on that point. But I don't think it's very helpful for the honourable member to come in here and attack the health care system like that. We're so grateful for the work that's being done on the front lines by people who are dedicated, passionate and committed. Working alongside them, we will improve access to health care in Ontario.

## HOSPITAL FUNDING

**Mr. Howard Hampton (Kenora-Rainy River):** To the Deputy Premier: When the former Conservative government announced profit-driven, privately financed hospitals, one in Ottawa, Dalton McGuinty was very critical and was opposed. In fact, he said, "We believe in public ownership and public financing.... I will take these hospitals and bring them inside the public sector." But on Friday, Dalton McGuinty completely reversed himself. He participated in the official opening of the same profit-driven, privately financed hospital he was critical of, a hospital which advertises itself as "Canada's first hospital to partner with the private sector." What's more, it's a secret deal. The public isn't allowed to know the financial workings of this private hospital deal.

Deputy Premier, can you tell us why Dalton McGuinty reversed himself once again, this time in terms of now accepting private hospitals?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I think the honourable member is significantly mistaken, particularly on one point. One of the things we were privileged to do as a government soon after we came to office was



to ensure that in the agreements related to both William Osler and the Royal Ottawa, public ownership and control was maintained. At the heart of it, we believe fundamentally in those principles. Accordingly, I can assure the people who will enjoy service at those two hospitals that those hospitals are public hospitals, that the people who work in them are as dedicated as ever to the underlying challenges for which they are working on behalf of patients.

I want to say very clearly that we're proud to be a government that has moved forward so much hospital construction. We know that long-awaited hospital facilities are coming to life across the province of Ontario, and that the patients who await the services in those hospitals are very excited in anticipation. They know as well that as they come in and receive services in those hospitals, it will always be, as has been appreciated, with dedication to the patients at hand. Nothing has been altered in that circumstance.

**Mr. Hampton:** In that case, I think the Premier would have been embarrassed if he'd read the hospital's own press release, where they say very clearly that this is private financing. The hospital's press release says that the private corporation will continue to provide hospital services, including laundry, dietary and food services, security, and building maintenance and operations—all of that by a profit-driven private corporation. What's worse is that since the last election, the McGuinty government, instead of protecting the public health care system, has now put forward 33 such profit-driven private hospital schemes.

Before the election, Dalton McGuinty said that it was self-evident that private financing of hospitals costs more. So can you tell me again, Deputy Premier, when did Dalton McGuinty suddenly become a fan of profit-driven, privately financed hospitals?

**Hon. Mr. Smitherman:** Notwithstanding the laundry list of services that the honourable member went over, what we haven't had in the two minutes of presentation so far from the honourable member is an explanation of why, during the time he served—sat on his hands, apparently—in cabinet, these very same services were outsourced at a variety of Ontario hospitals.

The circumstances are very clear. With respect to what the honourable member speaks of, he doesn't talk about the necessity of building new hospital capital. Of course, as a party, they've never been dedicated to that. That's why the stock of hospitals is so old. Way more to the point, that same list of services, the same order of services that the honourable member has just gone on a tirade about, are exactly the kinds of services that were privatized under his watch and saw a different operation. But the core services of hospitals, where the patients are getting the services they desire from our doctors and from front-line health care providers, have not been altered. These are public hospitals, and they are hospitals that people in those communities will be proud of.

1430

**Mr. Hampton:** There's a third problem with these profit-driven, privately financed hospitals, and that is that

the McGuinty government wants to keep the financial deals completely secret. If these are public hospitals, if indeed they belong to the public of Ontario, I would think that you'd want the public of Ontario to know what the financing is and how much is going where. What we know is this: If there's \$100 for patient care, maybe \$80 will go to patient care under your profit-driven scheme, but \$20 of that will be siphoned off to corporate profit.

Deputy Premier, can you tell us, if these profit-driven, private-finance deals are such good deals, why won't you make them public? Why does the Ontario Health Coalition have to go to court to try to force you to divulge what the public should already know? Why are you trying to keep this secret from the taxpayers of Ontario?

**Hon. Mr. Smitherman:** The honourable member is referring to secret information that's available on our public website. This is what we've been reduced to in question period because of the leader of the third party: Come in and say anything you want, but without any regard for the reality, which is that this information is broadly disseminated. I remember the circumstances related to the contracts on the first agreements: They were available in a room where people were given the opportunity to come in and sit and review them.

There is a legal issue at hand that the honourable member refers to, and he knows that the courts will resolve that appropriately. But at the heart of it, we believe that public accountability and transparency are core commitments and fundamental elements of our public health care system. At the end of the day, similarly, the patients who go into these hospitals in search of service will experience a hospital as they ever have. With pride, they will experience part of the public health care system in Ontario, and I'm sure they will be grateful for the quality of service provided by our public health care providers working hard on the front lines.

**Mr. Hampton:** The reality is, the Ontario Health Coalition is in court today trying to force the courts to open up these secret, profit-driven private hospital deals.

## TUITION

**Mr. Howard Hampton (Kenora-Rainy River):** To the Deputy Premier: Today in Ontario, too many of our students are denied the fair opportunities we hope for them as parents. Before the last election, Dalton McGuinty said that tuition fees for colleges and universities were already too high. He promised to stop skyrocketing tuition fees and help make post-secondary education affordable. Instead, what we're seeing is a proposed 36% increase in tuition fees. Deputy Premier, increasing tuition fees by up to 36% over the next four years is not affordable—

*Interjection.*

**The Speaker (Hon. Michael A. Brown):** The Minister of Labour will come to order. I won't warn the Minister of Labour again.

**Mr. Hampton:** My question, before government members so rudely interrupted me, was this: You want to



increase tuition fees by 36% over the next four years. How are modest- and middle-income students supposed to pay for a 36% increase in tuition fees and education costs?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** To the Minister of Training, Colleges and Universities.

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** I'd be delighted to check the Hansard and find out what answer the member gave when his party raised tuition 50% over five years—a 50% increase from a party that has long promised to freeze tuition or, indeed, to reduce it; a party that has long said it cares about affordability. But of course, what about the poorest students in the province of Ontario? What about the students who need those up-front tuition grants? They cut those up-front tuition grants.

We doubled the student assistance budget. We restored the up-front tuition grants: 120,000 students are receiving a grant, 60,000 of them up-front tuition grants; 30% more in assistance. More spaces, more students getting in, more assistance for the students: That's what affordability and accessibility should be about, not their plan of 50% increases.

**Mr. Hampton:** I think we have another McGuinty Liberal cabinet minister complaining about the wannabe leader of the Liberal Party. Here is the reality, Minister: Modest—

*Interjections.*

**The Speaker:** Attorney General.

*Interjections.*

**The Speaker:** Order. Leader of the third party.

**Mr. Hampton:** The wannabe leader of the Liberal Party says that big tuition fee increases are okay, and the McGuinty government agrees with him. But here's the reality for modest- and middle-income families: Wages aren't going up by 36%. The minimum wage is certainly not going up by 36%. The lowest-income people in Ontario certainly aren't getting a raise. Even when you work in your so-called increases in student assistance, you're still increasing tuition fees more.

So my question, again, to the McGuinty government is this: How are students of middle- and modest-income families supposed to pay a 36% increase in tuition fees over the next four years?

**Hon. Mr. Bentley:** So the avowed leader of the party of principles says that for five years, while he sat in cabinet, he had no choice but to go along. He couldn't stand up on principle and attack the 50% increase.

So what did we do? We've increased the operating support so that institutions can support high-quality education. We've doubled the student assistance budget. We restored the tuition upfront grants for students from families up to \$75,000 that they cut. We've increased the amount of assistance you can get. We've introduced the student access guarantee and, for the most vulnerable students such as those from first-generation families, aboriginal students or persons with disabilities, special programs to ensure that they can get in. The proof's in

the pudding: 86,000 more students now than when we started. The grants are in. We're going to make sure everyone has a fair shot at success.

**Mr. Hampton:** Bob Rae was wrong to increase tuition fees then and you're wrong to agree with him in increasing tuition fees now.

*Interjections.*

**The Speaker:** Order. I can wait.

*Interjection.*

**The Speaker:** Member for Bruce-Grey-Owen Sound, I will not warn you again.

*Interjection.*

**The Speaker:** I won't warn the Minister of Northern Development and Mines again.

Leader of the third party.

**Mr. Hampton:** Today, college and university students held a funeral for affordable post-secondary education, and for good reason. A 36% increase in tuition fees over four years is not affordable for anybody—any modest- or middle-income family. This is a far cry from what Dalton McGuinty promised. He promised to improve quality. What we find is that the faculty-to-student ratio is amongst the worst across North America. You promised that low-income students were going to get a better deal, but their tuition fees are increasing faster and more than student aid.

I say again to the McGuinty government, how are hard-pressed students supposed to be able to afford this? Why don't you keep your original promise and bring in a tuition freeze longer than two years—a real tuition freeze?

1440

**Hon. Mr. Bentley:** Unlike the member opposite, we kept our promise. We froze tuition for the first time ever. He never did. The NDP constantly promises freezes, and students everywhere should listen. They'll promise you a freeze, and they'll deliver you a 50% increase. You were there for 1,500 days. The leader of the NDP was in government for more than 1,500 days—1,500 chances to stand up and speak up for a tuition freeze, and he never did.

So what we did was create more spaces for all students. We chose 86,000 more opportunities; increased student assistance for all students—it's up 27%; increased the number of grants available for all students—one in four students gets a grant; restored the upfront tuition grant—\$60,000; and introduced a student access guarantee. We're determined to not let students fall through the cracks, unlike his—

**The Speaker:** Thank you. New question.

## PHARMACISTS

**Mr. John Yakabuski (Renfrew-Nipissing-Pembroke):** My question is for the Minister of Health. Minister, now that the regulations surrounding Bill 102 have been rolled out, pharmacists in rural communities are as dissatisfied as they were before. When I speak to pharmacists in rural communities in my riding of Renfrew-Nipissing—



Pembroke, they tell me that this bill means that some of them will have to close and that, at the very least, there will be a reduction in services. Minister, in small communities, pharmacists are a bedrock, primary part of health care in those communities. A threat to them is a threat to health care in small communities. Why will you not admit that your bill amounts to another brutal cut to health care in rural Ontario, and why won't you stand in your place and do something to fix it before we lose pharmacists in rural Ontario and rural people lose primary health care?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** If the honourable member really wants to talk about brutal cuts to health care, he's only got about a foot of distance to make up, and it's directly to his left.

Circumstances are such that we're in the midst of implementation of Bill 102, working very vigorously on that with all the various stakeholders. I agree that at the heart of it the independent pharmacist is crucial, particularly in those parts of rural Ontario where there are fewer pharmacies. We worked very hard in the development of our package to ensure that, from an economic standpoint, they were kept whole, and we're continuing to work with the Ontario Pharmacists' Association to see that through. That's the commitment we offer, acknowledging that it's a significant bill. It's very complex; there's lots to it. We're working carefully with all of these stakeholders on implementation to ensure that the circumstances that the honourable member predicts are not, in fact, true.

**The Speaker (Hon. Michael A. Brown):** Supplementary, the member for Parry Sound—Muskoka.

**Mr. Norm Miller (Parry Sound—Muskoka):** Minister, I would like to suggest that you keep working on the regulations for Bill 102. Like the member from Renfrew—Nipissing—Pembroke, I've heard from pharmacists all around Parry Sound—Muskoka—from Parry Sound, Huntsville, Bracebridge and Gravenhurst—and they're very concerned about the regulations in Bill 102. One pharmacist writes, "I am concerned that my business will soon not be able to operate under this new drug system. There are a few scenarios which will lead to financial loss for my business. I do not believe I am being overly alarmist. We have a crisis."

Until last week, Minister, pharmacists could rely on a cost-to-operator provision which would ensure they were not forced to fill prescriptions at a loss. Now your new regulations have removed that provision. A pharmacist I met with on Friday said that he might as well close his doors and leave Ontario. Your regulations force pharmacists to choose between going bankrupt and patient care.

Minister, we already have a doctor shortage in Ontario. Will you take steps to rectify this situation so we don't have a pharmacist shortage?

**Hon. Mr. Smitherman:** I want to say to the honourable member very directly that I take seriously the responsibility we have to ensure that small, independent, rural pharmacies more particularly are appropriately supported. The work we did in Bill 102 was designed to

ensure the survivability—in fact, the thriveability—of these very same organizations. Caucus members of mine and on all sides of this House take appropriate concern with respect to how these independent pharmacists deal with the implications of Bill 102, and I take that very seriously. I do know that there's concern. Any time there is change, there is difficulty around that. I offer to the honourable members who have asked questions and to others who have spoken to me about it that I continue to work on this to ensure that, working with groups like the Ontario Pharmacists' Association, as we move forward we have a stable, small, rural, independent pharmacy in the province of Ontario, recognizing fully that these people provide tremendously important services to our patients.

## CLIMATE CHANGE

**Mr. Peter Tabuns (Toronto—Danforth):** My question's for the Minister of the Environment. Minister, today the British government released a report warning that the impact of climate change on the world will be equivalent to that of the Great Depression and two world wars.

Minister, you've stated that climate change is a vital issue, and yet your actions have not matched your words. During estimates in September, I asked you what your target was for Ontario to reduce greenhouse gas pollution. You had no target. So today, Minister, I ask: Do you have a target for reducing greenhouse gas emissions in Ontario that meets Kyoto obligations?

**Hon. Laurel C. Broten (Minister of the Environment):** I'm pleased to have a chance to rise in the House and speak once again about a critical issue facing our province. It's a critical issue facing Canada and the world, and it's one where we look forward to demonstrating Ontario's leadership and building on the leadership we've already taken.

We are the first jurisdiction that is going to say no to coal. As a result of that singular commitment as a province, we will be providing the country with the single largest contribution in the reduction of greenhouse gases right across this country: 30 megatonnes of greenhouse gases, somewhat like taking seven million cars off the road.

Right now, we are looking for the federal government to step up and take leadership, along with Ontario. We signed an agreement with the federal government some many, many months ago and look forward to their contribution. Some \$538 million is on the line. That \$538 million will help us move forward with our very difficult goal of closing coal and taking on many other steps with respect to climate change. We look forward to doing that and we look forward to your input in that regard.

**Mr. Tabuns:** If this is the way leadership is shown, I'd be very scared to look at what happens with issues they don't care about.

Minister, the report that's being released today underscores the need to eliminate carbon emissions from the



generation of electricity. Your government has broken its promise twice on phasing out coal.

You and your Premier have talked about how you support Kyoto. Minister, will you see to it that the coal plants in this province are closed down to meet the Kyoto timelines? Are you going to meet the Kyoto timelines?

**Hon. Ms. Broten:** Although my friend participated in my most recent climate change breakfast, he apparently did not listen to the many efforts we're undertaking across a number of ministries. The Ministry of Energy is undertaking work with respect to the reduction of CO<sub>2</sub>, and let me tell you, my friend: We have reduced CO<sub>2</sub> by 15% in our coal-fired facilities. We are taking a number of other steps across a variety of ministries, including the Ministry of Transportation, with historic investments in public transit which, too, will help us meet those critical commitments with the reduction of greenhouse gases here in our province. Our greenbelt, our gas tax, closing our Lakeview generating facility, reducing our overall coal reliance by 17%—the list goes on. We continue to take many, many steps across a variety of ministries.

Is there more to do? Absolutely. Are we going to undertake that work? You'd better believe it.

#### POST-SECONDARY EDUCATION

**Mrs. Liz Sandals (Guelph-Wellington):** My question is for the Minister of Training, Colleges and Universities. I would like to ask the Minister of Training, Colleges and Universities about the investments we have made in student aid to ensure that our students are able to attend post-secondary if they are qualified.

**Hon. Christopher Bentley (Minister of Training, Colleges and Universities):** There has been a lot that has been going on. Under the Reaching Higher plan, we, in fact, doubled the amount of student assistance, and I know that's very important to the member's constituents, many of whom attend the University of Guelph or the Conestoga campus in Guelph.

We have doubled the student aid budget. We've increased the amount of assistance that any individual student can get—for the first time in nine years—by 27%. We restored the upfront tuition grants that had been eliminated by the NDP in 1993, so now, 60,000 students this September are receiving an upfront tuition grant covering between a quarter and all of their tuition, from families up to \$75,000 in income. We've introduced a student access guarantee so that, as we harmonize and integrate the government's assistance program with those found in institutions, we don't want students falling through the cracks. We want to make sure that every student in need can find the assistance they need to attend post-secondary education.

**The Speaker (Hon. Michael A. Brown):** Supplementary, the member for London North Centre.

1450

**Ms. Deborah Matthews (London North Centre):** My supplementary is to the very popular Minister of Training, Colleges and Universities today. We know that the government is investing an extra \$6.2 billion in post-

secondary education and training. This historic investment has helped our colleges and universities increase their enrolment by 86,000 students since 2002-03, a 20% increase—86,000 more students getting the skills they need to be competitive in this knowledge-based society. My riding, as you well know, is the home of the University of Western Ontario, and enrolment there has gone up over 2,000 students. That's 2,000 more students getting what they need.

Yet today at Queen's Park we've got people saying that they're protesting to mourn the death of accessible post-secondary education. With so many students going on to post-secondary, how can anyone argue that—

**The Speaker:** The question's been asked.

**Hon. Mr. Bentley:** In fact, post-secondary education is more accessible in so many ways. Our intent is to ensure more opportunities of higher quality for students in the province of Ontario, and the proof is in the results: 86,000 more student spaces. We choose 86,000 more opportunities for Ontario students, and others say, "No, freeze." We choose to increase the amount of assistance available by 27% while maintaining the repayable amount at \$7,000, and others say, "No, freeze." We choose to restore upfront tuition grants so that 60,000 more students than just two years ago get those, and others say, "No, freeze." We choose to invest in programs for first-generation students—students who've never had a break in their life—so they can get into post-secondary, and others say, "No, freeze." We choose to invest in 800 more profs and higher quality education.

No freeze. We're not going to stand still; we're not going to freeze. We're going to improve the quality of education and its accessibility for all Ontarians.

#### WATER AND SEWER INFRASTRUCTURE

**Ms. Laurie Scott (Haliburton-Victoria-Brock):** My question is to the Minister of the Environment. The Ontario Sewer and Watermain Construction Association has expressed their concerns with your lack of action on the condition of the water pipes that bring water to and from our homes and workplaces. I'm sure you're aware that several water mains burst last week in the GTA and a huge problem occurred this week in Scarborough.

The Watertight report released over 15 months ago has not seen any action from your government. In 2002, Bill 175 laid the foundation to address the issue of aging water pipes. We've been waiting almost four years for your government to develop regulations for this legislation, yet the loss of business and residential use continues to occur due to serious water main issues. Minister, when will you provide regulations for consultation with respect to Bill 175, the Sustainable Water and Sewage Systems Act?

**Hon. Laurel C. Broten (Minister of the Environment):** It is interesting to see our friends on the opposite side of the House agreeing with us that investments are long overdue with respect to our infrastructure in this province. For many, many years, our friends on that side



of the House had the opportunity to ensure that proper investments were made in sewage and infrastructure right across this province, and they chose not to make those investments.

As a result of the responsibility that we hold, the Ministry of the Environment works closely with the Ministry of Public Infrastructure Renewal—again, a cross-ministry approach across this government, because we know it is time to see those investments. We are working very closely with folks right across the province to make sure that those necessary investments are made, that people right across this province can have clean, safe water to drink, and that when we put water back into our system, it is also safe and clean.

**Ms. Scott:** You campaigned that you would implement all of Justice O'Connor's recommendations. You didn't do it with source water protection and you haven't done it with aging infrastructure. Your government commissioned a report from the water strategy expert panel, and you have not even responded. In a recent news article, Minister Caplan's communications adviser is quoted as saying that the ministry might look into the other recommendations in the report. While we wait, we see more broken water mains and sinkholes. In Collingwood, in spite of the state-of-the-art filtration plant, they still have to superchlorinate the water because of the corroded pipes that deliver the water. In some municipalities, up to 50% of treated water may be lost through leaks in the system. I asked you this question five months ago and you refused to respond.

Minister, too many businesses are losing money; too many residents are affected. When will you release your response to the expert water panel report, and when will you hold consultations on regulations for Bill 175? When will you do it?

**Hon. Ms. Broten:** It is very shocking to receive these questions from friends on the opposite side of the House who have chosen to vote against 12 of Justice O'Connor's recommendations and the Clean Water Act. If my friends truly cared about water investments, they would have made them in the past. But now we are pleased to have the responsibility because we have turned the page from where we were in the past.

We are currently developing the regulations with respect to OSWCA to move forward in a flexible approach to ensure that water investment strategies are made right across the province so that we will meet every single one of Justice O'Connor's recommendations. Our party is the party that will not go back to the days of Walkerton, unlike my friends opposite, who do not want to move forward with those really critical recommendations that Justice O'Connor made.

We look forward to moving forward with those regulations and fixing the mess that my friends opposite have left.

#### SCHOOL FACILITIES

**Mr. Rosario Marchese (Trinity-Spadina):** My question is to the Deputy Premier. Across Toronto, indeed,

across Ontario, public schools are in disrepair. A recent study by the Toronto Parent Network pointed to vermin, exposed asbestos and poor air quality. Our children deserve better. Can you explain why you're encouraging the Toronto school board to spend \$40 million designated for school repairs on operating expenses?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** It's always nice to get a question from the honourable member. I have the privilege of living across the street from a school that includes infrastructure that's about 130 years. I also noticed, living close to these schools, that there's been an unprecedented amount of maintenance activity around them over the last few years. I had the chance to attend with the chair of the Toronto District School Board at the announcement of a \$1.8-million expenditure, related to the replacement of windows at Nelson Mandela Park school on Shuter Street. These are the personal experiences that I can relate to the honourable member.

We've made good progress in terms of reinvestment in education: \$2.7 billion so far. We were very, very proud that the Toronto District School Board has accepted the responsibility of dealing with their budget circumstances. There are challenging decisions to be made every single day, and we're very, very appreciative that those appropriately responsible to do so have made those decisions. We'll be working closely with them through our colleague the Minister of Education to continue to see that Toronto and other school boards' kids get the support they need.

**Mr. Marchese:** Deputy Premier, your government has promised \$275 million in the last three years to leverage \$4 billion worth of capital projects. You've only spent \$30 million of the \$75 million that you said would happen in Good Places to Learn; that's all you've spent so far.

Students in our schools deserve a real solution, not a political quick fix. You've pushed Toronto trustees to scrap plans for desperately needed repairs and use that money to pay for day-to-day operations. But when trustees at the Dufferin-Peel Catholic board attempted to try the same thing, your minister, in a private meeting with trustees, refused to let them do it.

If raiding the maintenance budget to pay for day-to-day operations is good for students in Toronto, why did you forbid it for students in Dufferin-Peel?

**Hon. Mr. Smitherman:** The honourable member brings onto the floor of the House a private meeting that I wasn't a part of and, accordingly, I think it's more appropriate that the parties who might have been there have a chance to address that.

I do think it's crucial to know that across multi-billion dollar budgets, there are always opportunities, challenges, that we are forced to look at to address the circumstances we are at present expected to address. Look at it: 3,000 projects started or completed already, 3,000 projects done or underway, bringing new life and restored capacity to, in some cases, dated capital facilities.



This is but one more example of the work we've been very involved in to address the capital deficit that we inherited. The Minister of Public Infrastructure Renewal can provide much more information, as required, to demonstrate the commitment we've made to enhancing the capital stock of a variety of sectors.

There is, of course, on all of these matters more work to be done. I'm very glad to see that the Toronto District School Board has decided to do that work and that our colleague the Minister of Education has already been proactive in working with them and will continue to do so on behalf of Ontario—

**The Speaker (Hon. Michael A. Brown):** Thank you. New question.

1500

### ONTARIO ECONOMY

**Mr. Jim Brownell (Stormont–Dundas–Charlottenburgh):** My question is to the Minister of Finance. Minister, my riding of Stormont–Dundas–Charlottenburgh has suffered its share of economic setbacks over the last year, so I took particular interest in hearing our government's fall economic statement last Thursday. I am pleased to say that my riding is showing some encouraging signs of economic turnaround and that our government has played a key role in spurring that growth. A planned \$4.9-million upgrade to the McConnell site of the Cornwall Community Hospital has helped push the city's building construction value this year above the \$68-million mark. We are also seeing healthy building construction values in many of the townships; examples, \$7.6 million in south Stormont and \$9.3 million in south Dundas to September 2006.

Still, Minister, there is much more work to be done before Cornwall and the surrounding area can reach its full potential. What impact will the measures taken by the government have on eastern Ontario in the coming years?

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** I appreciate the question from my colleague because I know the extent to which he is a very modest man. He may not want me to mention in this House the extent to which some of those good things that are happening throughout his riding are directly as a result of the work that he is doing. In fact, I had an opportunity to visit the riding during the summer-time, and my colleague took me around from community to community. Individuals, whether mayors or leaders of various community organizations, would take me aside and tell me what a great job my colleague was doing. So I want to congratulate him for that.

I want to say to him, just in answer to his question, that amongst the four things that I put on the table, I think one that's going to impact his community is this additional energy we're putting into local tourism. He lives in and represents a magnificent part of the province. We want more and more Ontarians to visit those communities over the course of the next year.

**Mr. Brownell:** Our government understands that one of the keys to promoting a truly sustainable economic future is investing in solid public services and infrastructure. New businesses seek to establish where their employees can enjoy good hospitals, roads and schools. Meanwhile, strong public and post-secondary education systems help our future workforce compete for the best-paying jobs. Minister, our government has made great strides investing in public services and works like health care, education and roads while facing the challenge of balancing our books. Crucial to our ability to continue with this progress is a solid funding partnership with the federal government. In light of last Wednesday's news coverage that the federal government is already \$2 billion ahead of its projected surplus for this fiscal year, what steps are you taking to ensure that the federal government honours its commitments to preserving Ontario's public services and infrastructure?

**Hon. Mr. Sorbara:** The answer is that we all need to take steps to try and get the attention of the federal government and get it to honour its obligations to the people of this province. So I'm inviting people in this Legislature—whether they're with the Tories or the New Democrats or with our own party—just to communicate with the government. I'm saying to my friends in the Conservative Party, they have a special relationship with Stephen Harper. The leader of that party, John Tory, was endorsed by Stephen Harper not very long ago. I invite them to try and wake the federal government up and let them know that they've made financial commitments to this province, and the people of Ontario expect the federal government to honour those commitments. We all need to join in that exercise, and I know my friend from Charlottenburgh is going to help us out with that.

### FISH AND WILDLIFE MANAGEMENT

**Mr. Norm Miller (Parry Sound–Muskoka):** I have a question for the Minister of Natural Resources. Minister, your party promised in writing in the last election to fully fund the fish and wildlife program of the Ministry of Natural Resources. You've broken that promise and we are now seeing the results of this broken promise. I'm hearing from conservation officers around the province that they are not able to do their job.

Earlier this month I asked you about the chronic underfunding of conservation officers. You responded that everything was just fine. You said, and I'd like to quote you: "I'd like to assure the member that compliance and enforcement of our fish and game laws is a core function of the Ministry of Natural Resources and it will remain so in the future." Minister, do you stand by that response?

**Hon. David Ramsay (Minister of Natural Resources, minister responsible for aboriginal affairs):** Since I stood up in the House a couple of weeks ago and said that, I do stand by my response. It is a core function of the ministry and always will remain so. We obviously take very seriously the responsibility that we have to protect the



wildlife of the province of Ontario. We are right now in the midst of hunting season and our COs are out there doing their job and making sure that those who don't want to obey the rules and who abuse the privilege of harvesting our wildlife are prosecuted. They're doing their jobs and the funding is just about the same as it was last year.

**Mr. Miller:** Minister, let me refer you to a recent Sun Times newspaper report. I'd like to quote it: "If the Ministry of Natural Resources can't provide enough staff to enforce laws, the OPP may be able to help. Blue Mountains council voted Monday to approve spending of up to \$1,000 for the local OPP detachment to use toward hiring a fish and wildlife conservation contract training officer. The MNR employee is needed to train OPP officers to enforce the rules under the Fish and Wildlife Conservation Act, a job normally done by the ministry's conservation officers. Provincial cutbacks have left the MNR short-staffed."

The already overtaxed OPP are being trained to do the job of conservation officers because the Ministry of Natural Resources can't provide enough staff. Minister, do you think it's right that municipalities and the OPP should have to assume the responsibilities for one of your ministry's core functions?

**Hon. Mr. Ramsay:** We work in partnership with the OPP on many of the operations, some of those being undercover and some other types that we do together. To find some efficiencies, we are doing some of the enforcement that other agencies historically have done. So if our conservation officers are out there patrolling the backwoods and they come across people who have, for instance, liquor law violations, they are able to lay those charges now. We're working more closely together, and through that we're getting efficiencies and making sure the laws of Ontario are upheld.

#### HEALTH CARE

**Ms. Andrea Horwath (Hamilton East):** My question is for the Minister of Health. On Friday, you announced what you called a solution to Ontario's emergency room crisis, but it sure isn't a solution to the crisis affecting health care in Hamilton. Agencies in Hamilton will begin laying off nurses from home care any day now because you have failed to fund the high level of need in Hamilton's CCAC. Your underfunding is pushing our CCAC into a deficit and forcing it to cut home care for pediatrics, respite care, nursing care and patients with the highest needs.

When are you going to step up and provide adequate funding to the Hamilton CCAC so people will get the health care they need, nurses won't be laid off and emergency departments can free up their beds?

**Hon. George Smitherman (Deputy Premier, Minister of Health and Long-Term Care):** I want to tell the honourable member that we're very proud of the investments we've been able to make in home care over our time as a government: about a third of a billion

dollars. We recognize that some CCACs in particular are facing more pressures than others. There's \$5 million in one part of Friday's announcement and a further \$30 million in another that will be flowed to CCACs to assist these circumstances.

I cannot yet confirm an exact amount for the honourable member related to a distribution to the Hamilton CCAC, but I can confirm to the honourable member that they will be getting some additional resources in-year to address the circumstances that are possible, those reflecting on the comprehensive strategy that's necessary to support the appropriate operation of our emergency rooms.

I agree, at the heart of the honourable member's question, the necessity of better supporting community services, and there was a significant element of that in our announcement on Friday.

**Ms. Horwath:** Minister, Hamilton's problem is extremely acute at this point in time. But at this point, it seems like you're denying there's a crisis that we have in Hamilton. Numerous communities across Ontario, including Windsor, Niagara and Cornwall, are all experiencing crises in their local health care systems. For years, New Democrats have been calling for investments in long-term care and home care to relieve hospital overcrowding. Minister, why did you shortchange health care in Hamilton so badly, and, as with many other communities across Ontario, why did you let us down in this round?

**Hon. Mr. Smitherman:** If the honourable member wants to talk about being let down, she should look around at her colleagues who were there when Ontario got shortchanged on the number of doctors we have.

1510

The circumstances are clear in the announcement that we made on Friday. We're rolling out \$142 million of resource to hospitals all across the province of Ontario. The honourable member likes to speak about one circumstance versus the other. We recognize that our obligation is to work with all Ontario communities and the 160 emergency rooms that exist there. Accordingly, you can see increased resources for communities experiencing greater-than-proportional growth. You can see resources, particularly for the smallest and most rural hospitals in the province of Ontario. You can see specific resources targeted at 10 communities in Ontario experiencing the lowest proportion of long-term-care resource.

We've responded comprehensively to the opportunities that were available. We believe this will make important progress for the people of Ontario. I want to say, I'm very proud to be part of a government whose record with respect to health care stands in contrast to the honourable member's party. They made cuts; we have not.

#### IMMIGRATION POLICY

**Mr. Brad Duguid (Scarborough Centre):** My question is to the Minister of Citizenship and Immigration. In



November 2005, the McGuinty government signed Ontario's first-ever immigration agreement with the former Martin federal government. It quadrupled federal funding on language training and settlement services from \$819 to \$3,400 per immigrant. It seems that the federal Tories are dissing Ontarians in other Canada-Ontario agreements, and I'm concerned about the status of the Canada-Ontario immigration agreement. My question to the minister is: How is this funding directed, and what is the status of this agreement at this time?

**Hon. Mike Colle (Minister of Citizenship and Immigration):** I'd like to thank the member from Scarborough Centre for the question. Every year there are 140,000 newcomers who come into Ontario, and they need language training; they need settlement services. That's why the Premier fought so hard to ensure that we had federal investment in Ontario like they had in other provinces. So we signed that agreement. It was signed by the former Liberal government, and the present Conservative government has agreed to uphold it. So we're very anxious to see that money, because that money does not go to the government of Ontario; the money goes to the NGOs in the communities across Ontario. It goes to federal programs in Ontario. The only problem is that the money is coming, but very slowly. We want that money quickly to improve the life and the career aspirations of these highly skilled foreign-trained people, and we're waiting for that money anxiously because it'll be good for Ontario, good for Canada. So the money has got to be sped up into all Ontario communities.

**Mr. Duguid:** It's becoming increasingly frustrating to see how difficult it is for Ontario to get what we're due from the federal government. I appreciate and greet with some degree of relief the fact that this particular agreement appears to be intact. It's too bad that the other agreements that we have with the federal government weren't being honoured in the same way. Recent media reports criticized the federal government's position with regard to the issue of undocumented workers in Ontario. The plight of these undocumented workers has highlighted the flaw that exists in the federal immigration selection process.

My question to the minister is the following: What can be done to make sure that the immigration system works better for Ontario's newcomers?

**Hon. Mr. Colle:** In Canada, we have hundreds of thousands of undocumented workers. They're coming into Canada by the back door, they're working here, yet there's no system in place to ensure that people can get in the front door. So the government of Ontario has said very clearly to the federal government that we need an immigration selection system that matches the labour market needs of Ontario. We need an immigration selection system that matches immigrant selection with jobs that exist.

Right now the system is broken. We are offering to help the federal government fix this system, because it is really shameful that a country like Canada has so many undocumented workers, job needs and a points system

that does not relate to reality. We want to fix this system that will benefit not only undocumented workers but benefit employers and benefit the economy of this province. So we need to fix it and fix it yesterday.

## GRIDLOCK

**Mr. John O'Toole (Durham):** My question is to the Minister of Transportation. Minister, you'd be aware of the reports from Statistics Canada as well as the chambers of commerce and boards of trade, who have all been commenting, as well as the media outlets, on the state of gridlock on Ontario's highways. In fact, you would also know, Minister, that not just from my riding of Durham but from across the GTA, the commute can be as much as an hour and a half to two hours each day. If you look at this, it's worse than most of the large cities in North America, like New York, Chicago, Los Angeles. Not only that, it's a loss to the economy of about \$1.8 billion; it's bad for the environment.

Minister, there's so much evidence that this is something you should deal with and yet you've done nothing. You've made lots of promises on the Greater Toronto Transportation Authority. You've made lots of promises, but you've delivered nothing. In fact, my question to you today: Minister, what is your plan, if you have one, to deal with gridlock in the province of Ontario?

**Hon. Donna H. Cansfield (Minister of Transportation):** I'm more than pleased to respond to the member. The first thing I can suggest is the member go to [www.mto.gov.on.ca](http://www.mto.gov.on.ca). He can take a good look at the five-year plan that rolls out \$3.4 billion worth of improvements to roads and services. We have put in HOV lanes on Highway 404, HOV lanes on 403.

*Interjection.*

**Hon. Mrs. Cansfield:** I know that the individual may not be very particularly interested; however, 11,000 people every day use that 404 HOV lane. We put in place the Greater Toronto Transportation Authority to look at the issues with gridlock that follow into the processes around the greenbelt and the moraine. We've continued to invest with our municipal partners on how they can upgrade their roads and their bridges by putting \$400 million into Move Ontario.

So there's no question we have a plan in place. It's a five-year plan that will enable us to move forward on gridlock—

**The Speaker (Hon. Michael A. Brown):** Thank you.

## PETITIONS

### LONG-TERM CARE

**Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford):** I've got a petition to the Legislative Assembly of Ontario which reads as follows:



"Whereas long-term-care funding levels are too low to enable homes to provide the care and services our aging seniors and parents who are residents of long-term-care homes need, with the respect and dignity that they deserve; and

"Whereas, even with recent funding increases and a dedicated staff who do more than their best, there is still not enough time available to provide the care residents need. For example, 10 minutes, and sometimes less, is simply not enough time to assist a resident to get up, dressed, to the bathroom and then to the dining room for breakfast; and

"Whereas those unacceptable care and service levels are now at risk of declining;

"We, the undersigned, who are members of family councils, residents' councils and/or supporters of long-term care in Ontario, petition the Legislative Assembly of Ontario to increase operating funding to long-term-care homes by \$306.6 million, which will allow the hiring of more staff to provide an additional 20 minutes of care per resident per day over the next two years (2006 and 2007)."

I support the petition and affix my signature.

#### IMMIGRANTS' SKILLS

**Mr. Lorenzo Berardinetti (Scarborough Southwest):** I have a petition. I want to thank the members and clients of the Peel multicultural community in western Mississauga for this petition. It's addressed to the Legislative Assembly of Ontario.

"Access to Trades and Professions in Ontario

"Whereas Ontario enjoys the continuing benefit of the contributions of men and women who choose to leave their country of origin in order to settle in Canada, raise their families, educate their children and pursue their livelihoods and careers; and

"Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, professional and managerial talent from practising the professions, trades and occupations for which they have been trained in their country of origin; and

"Whereas action by Ontario's trades and professions could remove many such barriers, but Ontario's trades and professions have failed to recognize that such structural barriers exist, much less to take action to remove them, and to provide fair, timely, transparent and cost-effective access to trades and professions for new Canadians trained outside Canada;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario's regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario's employers, Ontario's newcomers and their own member-

ship, all of whom desperately need the very skills new Canadians bring working for their organizations, for their trades and professions, and for their families."

I agree with this petition, affix my signature to it, and give it to page Annaliese, who's here with me today.

1520

#### PROSTATE CANCER

**Mr. John O'Toole (Durham):** I'm pleased to present a petition on behalf of my constituents in the riding of Durham which reads as follows:

"To the Legislative Assembly of Ontario:

"Whereas prostate specific antigen (PSA) tests are frequently used to screen patients for prostate conditions, including cancer; and

"Whereas there is currently a double standard because men usually pay to have a PSA test as part of a routine medical examination, while women have all cancer screening tests covered by OHIP;

"Therefore we, the undersigned, urge the province of Ontario to review its policy on funding PSA testing for men with a view to including this as a service wholly covered by OHIP."

I'm pleased to sign and endorse this on behalf of my constituents and present it to Sarah, one of the pages.

#### FAIR ACCESS TO PROFESSIONS

**Mr. Tony Ruprecht (Davenport):** I have a petition in support of skilled immigrants, Bill 124. It's to the Legislative Assembly of Ontario, and it reads as follows:

"Whereas the McGuinty government is committed to establishing measures that will break down barriers for Ontario newcomers; and

"Whereas these measures will ensure that the 34 regulatory professions in Ontario have admissions and application practices that are fair, clear and open; and

"Whereas these measures will include the establishment of a fairness commissioner and an access centre for internationally trained individuals; and

"Whereas, through providing a fair and equitable system, newcomers will be able to apply their global experience, which will not only be beneficial to their long-term career goals but also to the Ontario economy as a whole;

"We, the undersigned, respectfully petition the Legislature of Ontario as follows:

"That all members of the House support the Fair Access to Regulated Professions Act, 2006, Bill 124, and work to ensure its prompt passage in the Ontario Legislature."

I am delighted to read this petition because the member for York West is present with us, who's the minister of—

**The Deputy Speaker (Mr. Bruce Crozier):** Thank you.



## ELECTRICITY SUPPLY

**Mr. Norm Miller (Parry Sound–Muskoka):** I continue to receive petitions to do with Hydro One and forestry work. It reads:

“To the Legislative Assembly of Ontario:

“Whereas Hydro One Networks Inc. provides hydro to many communities in the region of Parry Sound–Muskoka; and

“Whereas there have recently been several lengthy power outages in this region affecting both private residences, schools and businesses; and

“Whereas rural customers pay among the highest distribution and delivery charges for electricity;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Minister of Energy and the Ontario Energy Board require Hydro One Networks Inc. to make improvements in line maintenance and forestry management in the region of Parry Sound–Muskoka to ensure reliable energy for its customers.”

Mr. Speaker, I support this petition.

## TUITION

**Mr. Rosario Marchese (Trinity–Spadina):** I’ve got thousands of petitions here from students. It reads as follows:

“To the Legislative Assembly of Ontario:

“Whereas the Ontario Liberal government cancelled the tuition fee freeze after only two years and approved fee increases of up to 36% over the next four years; and

“Whereas tuition fees in Ontario have increased by more than four times the rate of inflation over the past 15 years; and

“Whereas a majority of Ontarians oppose tuition fee increases and support greater public funding for colleges and universities; and

“Whereas improvements to student financial assistance are undermined by fee increases; and

“Whereas the Ontario government’s recent increase to student loan limits is set to push student debt to approximately \$28,000 for a four-year program; and

“Whereas per-student investment in Ontario still lags significantly behind the vast majority of jurisdictions in North America;

“Therefore we, the undersigned, support the Canadian Federation of Students’ call to stop tuition fee hikes and petition the Legislative Assembly of Ontario to:

“—reduce tuition fees to 2004 levels for all students in Ontario and implement an immediate tuition fee freeze;

“—increase public funding for post-secondary education to promote access and quality;

“—expand access to financial aid in Ontario, especially for part-time students; and

“—double the number of upfront, need-based grants for Ontario students.”

I support this tuition, Speaker.

## IMMIGRANTS’ SKILLS

**Mr. David Zimmer (Willowdale):** I have a petition addressed to the Legislative Assembly of Ontario, and it reads as follows:

“Whereas newcomers to Canada who choose to settle in Ontario find frequent, arbitrary and unnecessary obstacles that prevent skilled tradespeople, managerial and professional talent from practising the professions, trades and occupations for which they have been trained in their country of origin...;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Ontario Legislative Assembly urge the members of all parties to swiftly pass Bill 124, the Fair Access to Regulated Professions Act, 2006, and to require Ontario’s regulated professions and trades to review and modify their procedures and qualification requirements to swiftly meet the needs of Ontario’s employers” and employees.

I’m happy to affix my signature to this.

## SCHOOL FACILITIES

**Mr. Jim Wilson (Simcoe–Grey):** “To the Legislative Assembly of Ontario:

“Whereas the parents of St. Paul’s elementary school in Alliston have raised many issues regarding the security, cleanliness and state of repair of their school; and

“Whereas a 2003 condition assessment completed by the Ontario government identified the need for \$1.8 million in repairs to St. Paul’s elementary school; and

“Whereas the Simcoe Muskoka Catholic District School Board has approached the Ministry of Education with the intention of having the school deemed prohibitive to repair as they believe the school requires \$2.28 million in repairs, or 84% of the school replacement cost; and

“Whereas there are ongoing concerns with air quality, heating and ventilation, electrical, plumbing, lack of air conditioning and the overall structure of the building, including cracks from floor to ceiling, to name a few;

“We, the undersigned, petition the Legislative Assembly of Ontario as follows:

“That the Minister of Education immediately deem St. Paul’s elementary school prohibitive to repair, secure immediate funding and begin construction of a new facility so that the children of St. Paul’s can be educated in a facility that is secure and offers them the respect and dignity that they deserve.”

I want to thank Milva Biffis and Gaynor McLeary for sending me that petition.

## TUITION

**Ms. Cheri DiNovo (Parkdale–High Park):** This is one of the thousands of petitions from the Canadian Federation of Students. It reads:

**"To Stop Tuition Fee Hikes and Improve Access and Quality In Post-Secondary Education**

**"To the Legislative Assembly of Ontario:**

"Whereas the Ontario Liberal government cancelled the tuition fee freeze after only two years and approved fee increases of up to 36% over the next four years; and

"Whereas tuition fees in Ontario have increased by more than four times the rate of inflation over the past 15 years; and

"Whereas a majority of Ontarians oppose tuition fee increases and support greater public funding for colleges and universities; and

"Whereas improvements to student financial assistance are undermined by fee increases; and

"Whereas the Ontario government's recent increase to student loan limits is set to push student debt to approximately \$28,000 for a four-year program; and

"Whereas per-student investment in Ontario still lags significantly behind the vast majority of jurisdictions in North America;

"Therefore we, the undersigned, support the Canadian Federation of Students' call to stop tuition fee hikes and petition the Legislative Assembly of Ontario to:

"—reduce tuition fees to 2004 levels for all students in Ontario and implement an immediate tuition fee freeze;

"—increase public funding for post-secondary education to promote access and quality;

"—expand access to financial aid in Ontario, especially for part-time students; and

"—double the number of upfront, need-based grants for Ontario students."

I'm proud to affix my signature to this.

#### IDENTITY THEFT

**Mr. Tony Ruprecht (Davenport):** I have another petition sent to me by the Consumer Federation Canada, and it's in support of Bill 38. It reads as follows:

"To the Parliament of Ontario and the Minister of Government Services:

"Whereas identity theft is the fastest-growing crime in North America;

"Whereas confidential and private information is being stolen on a regular basis, affecting literally thousands of people;

"Whereas the cost of this crime exceeds billions of dollars;

"Whereas countless hours are wasted to restore one's good credit rating;

"We, the undersigned, demand that Bill 38, which passed the second reading unanimously in the Ontario Legislature on December 8, 2005, be brought before committee and that the following issues be included for consideration and debate:

"(1) All consumer reports should be provided in a truncated (masked-out) form, protecting our vital private information such as SIN and credit card numbers.

**1530**

"(2) Should a credit bureau discover that there has been a breach of consumer information, the agency should immediately inform the victimized consumer.

"(3) Credit bureaus should only report inquiries resulting out of actual applications for credit and for no other reasons.

"(4) Credit bureaus should investigate any complaints within 30 days and correct or automatically delete any information found unconfirmed or inaccurate."

Since I agree with this petition, I'm delighted to affix my signature to it.

#### HIGHWAY 417

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** I have a petition here for the Legislature.

"To the Legislative Assembly of Ontario:

"Whereas modern highways are the economic lifelines to communities across Ontario and crucial to the growth of Ontario's economy; and

"Whereas the Ministry of Transportation has been dealing with the planning and design of the extension of Highway 417 for several years; and

"Whereas the previous Conservative government followed through with their commitment to extend Highway 417 to Arnprior; and

"Whereas Highway 417/17 is part of the Trans-Canada Highway system; and

"Whereas local municipal governments, the county of Renfrew and MPP John Yakabuski have continued to press the Liberal government on this issue;

"We, the undersigned, petition the Legislative Assembly of Ontario as follows:

"That the Liberal government move as swiftly as possible to approve the extension of Highway 417 through Arnprior to Renfrew and beyond and that this be included in their next five-year plan."

I agree with this petition and affix my name to it.

#### TUITION

**Mr. Michael Prue (Beaches–East York):** I have a petition to the Legislative Assembly of Ontario from the University of Toronto Students' Administrative Council. It reads as follows:

"Whereas the Ontario Liberal government cancelled the tuition fee freeze after only two years and approved fee increases of up to 36% over the next four years; and

"Whereas tuition fees in Ontario have increased by more than four times the rate of inflation over the past 15 years; and

"Whereas a majority of Ontarians oppose tuition fee increases and support greater public funding for colleges and universities; and

"Whereas improvements to student financial assistance are undermined by fee increases; and



"Whereas the Ontario government's recent increase to student loan limits is set to push student debt to approximately \$28,000 for a four-year program; and

"Whereas per student investment in Ontario still lags significantly behind the vast majority of jurisdictions in North America;

"Therefore we, the undersigned, support the Canadian Federation of Students' call to stop tuition fee hikes and petition the Legislative Assembly of Ontario to:

"Reduce tuition fees to 2004 levels for all students in Ontario and implement an immediate tuition fee freeze;

"Increase public funding for post-secondary education to promote access and quality;

"Expand access to financial aid in Ontario, especially for part-time students;

"Double the number of upfront, need-based grants for Ontario students."

I am in agreement and would affix my signature thereto.

## ORDERS OF THE DAY

### BUDGET MEASURES ACT, 2006 (NO. 2)

#### LOI DE 2006 SUR LES MESURES BUDGÉTAIRES (NO 2)

Mr. Sorbara moved second reading of the following bill:

Bill 151, An Act to enact various 2006 Budget measures and to enact, amend or repeal various Acts / *Projet de loi 151, Loi édictant diverses mesures énoncées dans le Budget de 2006 et édictant, modifiant ou abrogeant diverses lois.*

**The Deputy Speaker (Mr. Bruce Crozier):** Mr. Sorbara.

**Hon. Greg Sorbara (Minister of Finance, Chair of the Management Board of Cabinet):** It's a delightful opportunity that I have to speak for a few minutes this afternoon on Bill 151. I want to advise my colleagues that I will be sharing my time with my parliamentary assistant, the member for Pickering-Ajax-Uxbridge. I think he's going to be making the real strong points. Perhaps I could just do the job of introducing the matter, and then he'll really give it the strength this bill deserves.

I should begin by saying that this bill really implements the second part of the budget plan presented by my predecessor, Minister Duncan, earlier on in March of this year. Let me say, parenthetically, that I think the budget was one of the real strong suits of this government this year, particularly its emphasis on public transit and transportation. Obviously, as a 905 member, as a greater Toronto area member, I was thrilled that Minister Duncan put so much emphasis on renewing our public transit infrastructure in the budget that he presented.

I know that members of this House have given a great deal of time and attention to the first budget bill. This bill—the title is a mouthful—simply puts into place the

other measures that require consideration by this Legislature to implement the full force and effect of the budget.

One other point that I want to make is that Bill 151 is very much a companion piece to the full economic statement that I delivered in the House last week. If members recall, the statement really made four points.

We're in the midst of a period of somewhat more modest growth, we're taking some very specific steps in response to that reduction in the rate of growth and we're going to take some very specific steps to help workers whose jobs are threatened or who have been laid off.

We are expanding the ability of our own government to market Ontario as a tourism destination. I see the Minister of Tourism here, and I know he's going to be making some announcement on this initiative over the course of the next few weeks. But the message is clear: We have a beautiful province here—winter, spring, summer and fall—and we're going to be encouraging people to take their holidays in one or other part of the province.

Thirdly, we are going to move up some infrastructure projects that are already on the books. This will have an immediate, positive impact on job creation and strengthen the economy.

The fourth thing is something that my friend the Minister of Economic Development and Trade will undertake. In Canada the western provinces, particularly Alberta, are growing at a very rapid rate. They have industrial demands there that really, in the history of that province, are unprecedented. It's driven, as you know, by the strength of the oil and gas economy. We have industrial capacity here at present because of the impact that a slower economy has had primarily on our manufacturing sector. Minister Papatello is going to try and link those two so that working people in Ontario are producing products that are in very high demand in western provinces, including Saskatchewan, Alberta and British Columbia but primarily the province of Alberta.

We think those four elements will carry us over the hump. As I said in my statement, we anticipate a much stronger rate of economic growth as we move towards the second and third quarters of 2007.

The other point that I made in the fall economic statement that really is part of everything that we need to think about when we think about the Ontario economy is the fact that we look forward to the federal government honouring its obligations to the people of Ontario and the province of Ontario. There's no doubt that we've got some real structural problems in the way in which we finance public services in this great nation. That's been the subject of debate for many, many years, and over the course of the past three years our Premier, Dalton McGuinty, made that point with great clarity as he described the burden that Ontario had to carry as a result of the \$23-billion gap.

What's the \$23-billion gap? It's the difference between the amount of money that Ontario sends out of the province in federal taxes and federal levies and this and that and the amount of money that we receive back.



It represents, as the economist David MacKinnon pointed out, \$100 million a day that the Ontario economy sends to the rest of Canada every business day of the year in support of public services in other parts of Canada.

1540

As I mentioned in the fall economic statement, the Premier waged that battle successfully with Prime Minister Martin when he signed the Canada-Ontario agreement. It's an agreement that Mr. Harper said he would fully fund if he became the Prime Minister. Lo and behold, he's become the Prime Minister, and as of yet the federal government has not honoured the Canada-Ontario agreement.

Why is that so important for us? Because it represents \$6.9 billion for the people of Ontario over the course of the next six years. That means better hospitals, better health care and better education—all sorts of public services. It means better labour adjustment in times of slower economic growth, as we're experiencing right now. That's why it was such an important part of the statement.

As I wind up my remarks on Bill 151, I have to ask out loud in this Legislature what the Conservatives and the NDP are doing to create a unified voice from Ontario on this issue. This is not a partisan issue. I want to say to my friends in this House that the Leader of the Opposition, Mr. Tory, ought to be speaking to his friend Stephen Harper about Stephen Harper honouring his agreements to Ontario. If John Tory wants to hold a joint press conference with me, calling upon the Conservative government to redress the grievances of Ontario, I am available at the drop of a hat. Thus far, we haven't heard one word from the Leader of the Opposition in Ontario about the ill treatment of Ontarians when it comes to funding from the federal government—and that treasury in Ottawa is bursting. Last year, they had a surplus of \$13 billion-plus; 40% of that, I tell my friends in this Legislature, came from 12.5 million hard-working people in the province of Ontario.

**Mr. John Yakabuski (Renfrew–Nipissing–Pembroke):** Then give it back to the people. You'll only waste it.

**Hon. Mr. Sorbara:** My friends in the Conservative Party say that if that money comes to Ontarians, they'll only waste it. Is that their view? Is investment in infrastructure, in bridges in Renfrew, in better roads in Simcoe, I say to my friends from those ridings, wasting the money?

It's not a partisan issue. It's not about what the Conservatives believe or what the governing Liberal Party believes or what the NDP believes; it's about us joining together to make a strong case for 12.5 million people in Ontario. I wonder when we're going to start to hear from members of the opposition on this matter, because their constituents expect them to speak up. I say the same thing to Liberal members in the federal Parliament.

When Paul Martin was in government, we were very direct with the Liberal government in Ottawa about the burden and the unfairness for Ontarians in the current fiscal arrangements in Canada.

**Mr. Yakabuski:** You wouldn't support Mike Harris on the same issue.

**Hon. Mr. Sorbara:** We didn't dampen our enthusiasm for this issue because there was a Liberal government. Now I'm saying the very same thing to Liberal members in the federal House, Conservative members in the federal House from Ontario and Jack Layton members in the federal House from Ontario. When are we going to hear from them? This is not about partisan politics; it's about Ontario and a better deal for Ontario, a fairer deal for Ontario.

I remind my friends opposite and I remind federal members that a worker in Ontario who has been laid off, who's lost his job and who looks to the employment insurance system, will receive some \$3,600 less in regular benefits compared to the benefits that a laid-off worker would receive in the other nine provinces and three territories. Do New Democratic Party members think that's fair? Do Conservative Party members think that's fair? Why haven't we heard from you on this issue? Why aren't you standing up and saying that it's high time that the federal government, now led by Prime Minister Stephen Harper, come to the table and acknowledge the burden and start redressing the burden?

**Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford):** Quit your whining.

**Hon. Mr. Sorbara:** My friend from Barrie says, "Quit your whining." Is that his view of what this is all about—whining? I don't think so. I think it's about a fairer deal. I think the people in Barrie want him to stand up and speak to this issue as eloquently as the Minister of Intergovernmental Affairs or the Premier has spoken up on this issue. I'm inviting him to do that during the course of this debate.

We're debating a budget bill. Budgets are made up, in this province, of revenues that come from the taxpayers of Ontario, and the taxpayers of Ontario understand the burden that they carry. But revenues also come from the federal government, and it's high time that the federal government paid its fair and just share to services in this great province. I'm inviting my friends opposite in both the New Democratic Party and the Conservative Party to come to the table, stand up in their place and support the government on these initiatives.

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** I'm pleased to rise this afternoon and follow the finance minister and his comments. The finance minister has the privilege of looking at things at 30,000 feet and having that broad overview. It's the parliamentary assistants who get to grind it out on the details in these kinds of processes.

This very important piece of legislation delivers on our spring budget bill and our commitments to strengthen Ontario's economic advantage by strengthening its people and investing in their priorities. The bill proposes amendments to some 32 statutes, proposes three new statutes and makes consequential amendments to an additional 31 statutes. So it touches upon a broad range, obviously, of matters within the Legislature and within the statutes of the province of Ontario.



Among those worth noting, Bill 151 addresses the enforcement of the tobacco tax laws in the province of Ontario and, more specifically, our commitment to strengthen the enforcement of those provisions. There's no question that the illegal cigarette market has an impact on tobacco tax revenues, but our government, through our smoke-free Ontario, is working hard to reduce the number of Ontarians who actually smoke, and this, in addition, has had an impact on the revenue stream for the province.

We've already strengthened Ontario's Tobacco Tax Act by increasing fines and penalties, improving enforcement powers, providing for new offences and permitting sharing of enforcement information with other agencies that also have responsibility for the enforcement of tobacco-related legislation. In fact, convictions under the Tobacco Tax Act have doubled during the past three years as a result of the actions this government has taken. Measures in this bill aim to increase penalties for delivery of tobacco for resale without a wholesaler's permit and penalties for unregistered importers and exporters. We're taking these steps as part of our strategy to aggressively combat illegal and contraband cigarette sales in the province of Ontario. In addition to the changes in the bill, we're going to continue to monitor the issue and continue the hard work to reduce tobacco consumption and to fight the illegal sale of cigarettes here in the province of Ontario.

Bill 151 is also about fairness for lower-income senior couples in Ontario. In the 2004 budget, we introduced measures to increase the seniors' property tax credit by about 25%, from \$500 to \$625. In this bill, we're proposing measures that would further assist those same seniors. We're proposing to increase the income threshold for senior couples for the Ontario property and sales tax credit so that more seniors can qualify for the credit. The proposed increases for seniors who are married or who are living common law would be from \$22,250, to \$23,090 for 2006. This measure would ensure that 2006 increases in the amount of old age security and federal and guaranteed income supplements would not result in a reduction in the credits available. Without implementation of this change, a senior couple would experience a loss of benefits due to cost-of-living increases in federal seniors' benefits. If passed, the proposed enhancements would deliver some \$7 million in benefits to about 220,000 senior couples. Now, individually, it's not a lot, but it keeps pace, at the very least, with ensuring that there's not a further clawback of any sort on those benefits they're receiving as low-income seniors.

1550

Not all the proposed changes in Bill 151 are monumental; many are simply incremental. Working in conjunction with one another and with the rest of the overall package, they further our commitment to a fair, modern and competitive tax system. The proposed enhancements would extend the incentive to larger business, allowing more interactive media products to be eligible for tax credits and provide an enhanced credit rate for smaller

corporations developing original pieces of media. Bill 151 would also allow the minister to find circumstances where magazines may be provided tax-free as well.

There are additional administrative amendments. We've made these changes as well. These measures would also result in some significant changes for Ontario taxpayers and businesses in particular.

Bill 151, however, would also introduce changes of a different sort. For example, a proposed amendment to a number of tax statutes would make it clear for taxpayers when they must apply for an extension of the deadlines for filing tax appeals. The change to Ontario's definition of gasoline clarifies that fuel-grade ethanol is subject to the same rules under the act as other fuels that are taxed as gasoline. Measures such as these may not be the stuff of headlines on a day-to-day basis, but they're nonetheless important to the structure of Ontario's economic base. Ensuring the effectiveness of Ontario's tax laws is part of our commitment to governing our province responsibly and it's a commitment that we take very seriously.

As often is the case with budget bills, Bill 151 would legislate certain amendments to parallel changes introduced by our federal partners. We propose an amendment to the Income Tax Act dealing with the determination of foreign tax credit for non-business income. Another amendment we proposed would parallel recent enhancements to the federal dividend tax credit and introduce a second, higher tax credit for eligible dividends phased in over five years, starting at 6.5% and increasing to 7.7% by 2010. This measure would help make our tax system fairer by providing better integration of the personal and corporate income tax systems. It would also encourage investments by Ontarians in Canadian corporations.

Our government understands that the effectiveness and fairness of the tax system can be improved, and improvement is something we're striving for. This proposal is an important part of our overall plan to improve Ontario's investment climate. Bill 151 is a big step in the right direction in regard to these amendments. I've touched upon just a few of the items in Bill 51 that are kind of on-the-ground activity.

I want to spend just a minute or so talking a little bit about Ontario's economic advantage as a result of the skills that we have here in the province of Ontario and continue to build on. Ontario's top 10 manufacturing export industries have a particular skill advantage in that we have a much larger share of the workforce that has completed post-secondary education. In the motor vehicle and equipment sector of the economy, we have some 43% of those in that industry who have some form of post-secondary education. Our friends south of the border come in at about 27%. Effectively, 16% of our workforce has that higher level of education. In the chemical industry, the advantage is about 12%. In the computer electronics area, approximately 70% of those working in that industry in Ontario have post-secondary education, whereas with our friends south of the border, approximately 55% have achieved that goal. You can see



the spread there of about a 15% advantage in the skills training that we have available.

I can speak on a personal note to the opportunities young people have here in Ontario to pursue post-secondary education. I have personal experience in three of our universities. My children have attended Durham College in Oshawa and Sir Sandford Fleming College in Peterborough. One of my children was a graduate of Carleton University and another is finishing off his undergraduate work at the University of Waterloo. So my family has had a chance to be exposed to and experience the educational opportunities and skill development training in a number of our post-secondary educational institutions around the province.

It's my view that the investment we're making in post-secondary education, and are committed to making over the next five years, is an important part of maintaining and enhancing that competitive advantage by ensuring that our skills advantage—that spread of well-qualified people available to industries in Ontario—will continue to be strong and will grow. That in itself will encourage expansion in Ontario of industry as well as the attraction of new industry to Ontario.

The Minister of Training, Colleges and Universities has had the opportunity, on a number of occasions recently, to speak to some of the initiatives that the government has undertaken under his leadership. They include things like a significant increase in the number of students who are enrolled at colleges and universities, the fact that there will be some 14,000 more students in graduate education by the time we reach 2009-10, enhanced student assistance for 135,000 students, and 32,000 students are now receiving low-income tuition grants. There's a great opportunity that exists for young people to be able to get access to post-secondary education and continue to support the province so that we maintain that economic advantage as we work our way through the current softening of the economic condition.

Bill 151 is building on what we put forward in the spring of this year in the principal budget bill. My colleagues and I are dedicated to ensuring that all members of this House, to the extent possible, share a common understanding of the benefits that come from the provisions of this bill. It is my sincere hope that when the debate concludes, all members of the House will see the value in supporting Bill 151.

**The Deputy Speaker:** Questions and comments?

**Mr. Garfield Dunlop (Simcoe North):** I will get an opportunity in just a few short minutes to make some comments on Bill 151. But I was really surprised to hear the comments of the Minister of Finance. He didn't talk about the bill whatsoever. It was sort of like a slamming-Stephen-Harper bill, meaning that everything that is wrong in Ontario must be Stephen Harper's fault. I found it amazing to listen to his comments because he never really did talk about this bill, and I guess I won't be either because I'm going to be talking about broken promises and job losses. I think that's what most Ontario citizens are interested in. How much of what Mr.

McGuinty says can you believe, and how is it impacting the economy? I think it is impacting the economy in a pretty severe manner right now. We'll be looking forward to continue on with that.

I want to put one thing on the record, and that's the fact that when the Chrétien-Martin government was in power federally, a resolution was put forth by then-Premier Mike Harris. He asked the three leaders to sign it at the time—Mr. Harris, Mr. Hampton and Mr. McGuinty—all calling on the federal government to provide more money for health care funding, bringing it up to a more reasonable rate than the 18% or whatever they paid at the time. I can recall to this day that Mr. Hampton signed the resolution and Premier Harris signed it, but Dalton McGuinty would not sign it on behalf of the Liberal Party. Here they are today giving long speeches—well, he spoke 12 minutes on the bill—and slamming Stephen Harper.

I found it a little discouraging that he has gone to that level, but we'll have lots of opportunities to speak in a few minutes.

**Ms. Cheri DiNovo (Parkdale-High Park):** This is really just a housekeeping omnibus bill that continues where the budget started. I'm looking forward to speaking about the budget, what the budget didn't do, and about what this bill of course doesn't do too. I have to say it's profoundly sad. I've had the honour of sitting in this House for a month, and I remember about a month ago we were talking about a surplus from the other side of the floor, and all of a sudden we are talking about deficit. But whatever we are speaking about, we are certainly speaking about the acknowledged fact from across the floor that this government is sitting on about \$400 million. Whether they didn't get all they wanted from the federal government or not, there is this \$400 million.

**1600**

It was supposed to be earmarked for housing, so I'm going to use some of my time to talk about housing and why that 122,000-household list is waiting for money to be spent, money that is there, clearly is there, and is not being spent. I think Carol Goar in her article just on Friday was talking about the fact that 1,625 of the 25,000 affordable housing units have actually been built. At that rate—let's give them the benefit of the doubt because we heard last week that now it's 2,000 and something—say, even if it is a thousand a year, we are looking at another 17 years before the 20,000 affordable housing units that were promised in 2003 are actually provided.

These are not just figures. These are reality for a great many households—67,000 in Toronto—to people who die on the streets of our city every week. I know this firsthand from my work in Parkdale-High Park. I will speak about that and speak about all the things and all the areas that the budget does not speak about. What's really most sad is that, again, we have a majority government with money that could do something and does nothing. Thank you.

**Mr. Bas Balkissoon (Scarborough-Rouge River):** I'm happy to rise and join this debate on Bill 151. This is



an important piece of legislation for the government. It's just supporting our spring budget, and it's a continuing piece of legislation by the government that complements and builds on our previous accomplishments to date. This bill also gives the government a clear indication of our steady progress towards building stronger communities and making our economy prosperous. This bill actually gives municipalities more flexibility and additional provincial support in funding brownfield redevelopment and public infrastructure. Municipalities have been requesting that of the government to help them rejuvenate some of these brownfields around the province, help them to rebuild those pieces of land, bring new jobs and increase the prosperity of these municipalities. This bill does that.

This bill also allows taxpayers to pay less on their dividends from large Canadian corporations. We believe, when you give money back to taxpayers and they can invest it in other tools, that you actually build on the economy. Instead of having them pay more taxes, they're getting taxes back here. So it really responds to what the public is looking for from our government and continues to build on our spring budget promises.

I would say that the government is responding to the public, it's responding to the needs of the public, and we're moving forward with the commitments we made earlier in the year.

**Mr. Tascona:** I'm certainly pleased to join in on the debate on Bill 151. Certainly the member from Vaughan, talking about the federal government and whining consistently throughout his speech, was very disappointing. I was quite pleased with the federal government with respect to the expansion of GO Transit to the city of Barrie. The federal government anted up their portion of the needed monies for GO Transit to come from Bradford to Barrie, and it's very important. That's something I've worked on since 1996, to ensure that GO Transit returns to the city of Barrie, and in fact it did. It took the efforts of the federal government and the city of Barrie to sign off on the deal because the McGuinty government had been stalling throughout the process to deal with GO Transit. It's disappointing because it should have been done three years ago, bringing Go Transit back to the city of Barrie, but it wasn't. So I'm very pleased that Go Transit is returning to the city of Barrie, because that's where it should be.

Other initiatives: The member from Parkdale-High Park and the member from Simcoe-Grey very distinctly talked about things that they could be doing with the surplus that they've taken, the huge increase in taxes that they brought forth through the health tax bill that they have. In my area, we have an RVH cancer centre we want to bring in. They've done the fundraising necessary for that to happen, and yet this government is doing nothing with bringing that forward, to encourage that particular fundraising effort to even speed up further to bring back some much-needed radiation therapy into the community. Here today we have the colleges in the community—we're going to be speaking to them—and they haven't given one red cent to Georgian College with re-

spect to the needs that they have, not only for Simcoe county but also for Parry Sound-Muskoka.

**The Deputy Speaker:** The member for Pickering-Ajax-Uxbridge, you have two minutes to respond.

**Mr. Arthurs:** I want to thank the members from Simcoe North, Parkdale-High Park, Scarborough-Rouge River and Barrie-Simcoe-Bradford for their input into the minister's leadoff and my support of that. Clearly, we need our federal partners at the table with us. There's no question. It really doesn't matter whether it is, quite frankly, the current government or some change in government; we still need those federal partners here with us because we're delivering a lot more dollars to Ottawa than are being returned to us for the needs we have in some fair and equitable fashion. The Premier will continue that fight and keep it on the front burner, along with the Minister of Intergovernmental Affairs and others, to ensure that that fairness is kept in place.

The member from Parkdale-High Park spoke about the housing issue. I know she raised that question with Minister Gerretsen from Municipal Affairs and Housing during estimates. I thought that the responses that came both from the minister and from his deputy identified where we are in that process. There are a large number of units—I can't remember how many—that have already been built. There are quite a number that are in the building phases and still more that are following through in the approvals process. So there are fewer that are actually occupied today, but there's a large number coming up behind them that (1) you had to get the legislative framework in place for and (2) you had to negotiate contracts and the like to actually be able to get people into those houses. So I think there's significant progress being made on those fronts.

The member from Scarborough-Rouge River is quite correct that this supports our spring budget initiatives. It builds on prosperity in the province. It recognizes the current economic climate as somewhat softer. It recognizes the higher oil prices than we've seen in the past, although they're fluctuating right now. The Canadian dollar is up again at this point from where it was. We're seeing a number of softening issues in the economy. Much depends on what happens south of the border as to how well we do in the short term, but the long-range impacts remain very good for us. I know that all of us here look forward to strong economic growth in the future.

**The Deputy Speaker:** Further debate?

**Mr. Dunlop:** I understand that we have unanimous consent to defer the leadoff by MPP Hudak.

**The Deputy Speaker:** The member for Simcoe North has said there is consent to stand down the lead on this bill. Agreed? Agreed.

**Mr. Dunlop:** Thank you very much, Mr. Speaker. I appreciate very much you allowing that to happen.

I wanted to, first of all, say what a pleasure it is to be here this afternoon making comments on Bill 151, An Act to enact various 2006 Budget measures and to enact, amend or repeal various Acts. Of course, you know that



our party will not be supporting this bill. I think it's fairly well known that we don't agree with your budgetary policies and many of the things that you've done.

I think it goes back to a lot of faith and a lot of trust in politicians. Quite simply, when the Minister of Finance stands up and makes a fancy speech or an economic statement, many of us simply do not believe what he'll be saying because there have been so many broken promises by this government. We're now into the fourth year of their mandate, and one broken promise after another, month after month, day after day. When they do bring out their platform for their next election, how are they possibly going to explain to the people of Ontario that they're going to keep all those promises? Quite frankly, people just don't believe what you say.

I'm going to read a bunch of the broken promises. I'm sure you would all like to hear them again, because I know that from time to time we should remind the citizens of Ontario about some of these broken promises.

1610

I think the big one is number one: "I won't raise your taxes." That has to win the Academy Award of broken promises. When you think back to those election ads—I guess it's just past three years ago now. At that time, Dalton McGuinty, the leader of the Liberal Party, was standing on TV screens right across this province saying, "I won't raise your taxes," and then to see the kind of orgy of spending and tax-raising we've seen in this province. How can we ever go back and believe anything the man says again when he talks about raising taxes? That's why there's no confidence from people like Stephen Harper, Jean Chrétien or Paul Martin. They don't believe a word he says. The reality is that when he says things like, "I won't raise your taxes," and then turns around and has the largest tax increase in history, people simply do not believe that.

Of course, there was that big promise to roll back the tolls on the 407. They had that major fight with the 407 ETR, where they were going to try and show their authority and roll those tolls back. But of course, it didn't happen.

*Interjection.*

**Mr. Dunlop:** Well, I'm just telling you what you put in your document. When I read something in a platform document—and I've got copies in my office if anybody from the Liberal Party would like a copy of their own document.

*Interjections.*

**Mr. Dunlop:** You know, you don't have to talk about taxes and broken promises very long in this House to get a lot of heckling. I never heckled the minister at all when he was speaking, and now here we are. They're all heckling me because I'm just trying to bring out the broken promises, and I've only got two done of 50. I've got 50 to talk about here, so I'm not even going to get halfway through them and my time will be up.

Fund medically necessary health care services: What does that really mean? We know one thing: They took five priorities, and that's really all they're concerned

about right now. They threw a little bit of money at emergency rooms last week, only because Elizabeth Witmer drew attention to the public that they were being drastically underfunded. They're concentrating on those five wait time areas, and of course others areas of health care are falling through the cracks, particularly the long-term-care areas of health care, where we've seen a huge broken promise in the fact that they didn't come through with the \$6,000 per resident promised in previous budgets.

Not add to the province's debt: How much have they actually added to the debt, I wonder? We can't really figure that out yet, because apparently it looks like we may even have a deficit next year after some very good times in the history of the province. No question, the debt will rise substantially with this government. I'm guessing they'll add somewhere around \$15 billion to the debt in their four years in power, at the same time increasing spending substantially. I think we're going from about \$70 billion to \$88 billion by the end of 2008-09. That's an \$18-billion increase in spending.

Stop 6,600 houses from being built on the Oak Ridges moraine: That was one of the first broken promises we heard going back to the fall of 2003, when Dalton McGuinty said that there wouldn't be one new house built on the Oak Ridges moraine. Of course, that has not occurred.

Then we go up to number 6: Abide by the balanced budget law. Do you remember that one? Of course, they found a way in their first budget to eliminate that so their cabinet ministers wouldn't have to pay back the fee they would have had to pay. No question, they didn't abide by that and found a way to weasel out of that one.

Cap hydro rates at 4.3 cents per kilowatt hour until 2006: That was one where I think everybody lost a lot of faith immediately, because they had sworn that they would stick to that 4.3 cents per kilowatt hour, even during the election campaign of 2003. A month after they were sworn into office, power costs skyrocketed.

Allow all non-cabinet MPPs to criticize and vote against government legislation: The only guy I know doing that is the guy from Ottawa, Garth Turner. I can tell you that it looks like you all vote together on basically every bill. I don't think I've seen anyone—other than maybe Lou Rinaldi, the government member from Northumberland. I noticed he wasn't here for the Clean Water Act vote but came in immediately after. So I'm glad to see Lou standing up for that one.

Provide autism treatment beyond the age of six: That's a major broken promise. We've had autism rallies at many of our MPP offices. I think we've had at least three rallies out here on the front lawn. They keep saying the money's coming, but we're into the fourth year and that certainly doesn't seem to be the case.

Reduce auto insurance rates by 10% within 90 days: That never happened, as you know.

Reduce the use of private consultants: I know that one area they use a lot of private consultants in is advertising. Apparently, consultants are doing very well out of the



Liberal Party, with the Ontario Lottery and Gaming Corp. ads and of course the Trillium ad. Who will ever forget that one? We had to change that. Money just had to be wasted.

Cancel P3 hospitals in Brampton and Ottawa: There we go again. They never cancelled them, of course; they've added on to them.

Public inquiry into meat inspection: That never happened either. That was something they promised during the election campaign, and it didn't happen. Apparently, they've hired more inspectors, but they didn't have the public inquiry.

Withdraw government appeal on the Richmond landfill: What can we say? That's another one. But one thing we do know about landfills is that they provided assistance for the city of Toronto when they approved the Green Lane landfill very quickly. Now, of course, Toronto's garbage will eventually all be going to London, and we know the people in London are not very happy.

Number 16: Make Ontario's chief medical officer of health an independent officer of the Legislature. Well, there we go. What can we say? That's fairly self-explanatory. There's nothing special about that one, other than they just didn't keep their promise.

Provide better mental health care: Providing better mental health care is something we know the government has paid very little attention to. It's a huge issue, particularly through homelessness in our society. Of course, Mr. McGuinty's going to have a hard time in his next platform saying, "We're going to provide better mental health care."

Value and support the public service: I work with a lot of people from OPSEU in my riding, and I can tell you that Dalton McGuinty's not the most popular person as a Premier. They don't seem to have a lot of confidence. In my riding alone, when you take 700 jobs out of the riding with the closure of Huronia Regional Centre, you've got a big problem. But I can tell you that valuing and supporting the public service is something else.

Divert 60% of municipal garbage through recycling by 2005: What have you diverted? About 3%? You haven't even come close to 60%, so that's out of the question.

Stop school closings: My God, the Simcoe County District School Board came out with a list just a few months ago, and there were about 15 schools on it. I thought they were going to provide assistance so that these things wouldn't happen, and now there's a list of 15 schools. Even high schools are included on the list of schools that some of the school boards in my riding have to close. I thought that was going to stop.

Close coal-fired electricity plants by 2007: I think that's the best one of them all. That's one that, even when it was first announced prior to the election that the government thought they could close them all by 2007, I don't think anybody believed at that point. The only one that they've actually closed is the one Elizabeth Witmer put in plans to close in 2001. She put the plans together, put the process in place to close it down. Of course, by the time they did get around to actually closing it, Dwight

Duncan was there getting his picture taken with it. But as we know, it was Elizabeth Witmer's priority to do that, and she went ahead and closed Lakefield.

Create tens of thousands of new child care spaces: It would be interesting to see just how many they have created, although we know that it's a long way from tens of thousands of child care spaces.

End the federal tax credit clawback: This is something my colleagues in the New Democratic Party are very, very passionate about, and of course we know that hasn't been done.

**1620**

Build 20,000 new affordable housing units: What have we got, after three years: 1,600? Something around 1,600 or 1,700 is all we've actually got.

Spend every penny of the new health tax on health care: Well, you know one thing. That can't be true, right off the bat, because most of it's being spent on advertising, these ads we're seeing on TV. It would be interesting—I see people heckle me as soon as I bring that out, but it would be very interesting to know how much those ads are actually costing. On CP24, at least three times an hour, I would suggest to you, during the daytime and into the evening, we see those Liberal ads.

Eliminate barriers to foreign-trained professionals within one year: Has that been accomplished? Does anybody know that? I don't think it has been.

Require trades and professions to accept qualified immigrants within one year: You know what? That hasn't happened either.

Boy, this is getting kind of sick, isn't it, when you think that they made these many promises and I'm not even halfway down the list. I've got all kinds of things to discuss here.

Repeal the Tenant Protection Act within one year: Again, nothing happened.

Establish a standing committee on education to hold yearly hearings: Has anybody been on that committee? I don't know of anybody. Maybe some of you folks over there are on the standing committee on education to hold their hearings.

Hire 8,000 new nurses: I'll tell you one thing. There certainly have been no 8,000 new nurses hired. I wonder how many have been hired. They had that in their platform.

Provide legal rights to victims of crime: I was out to the Holly Jones dinner one night. It was held out in York region. I can tell you that the people who are victims of crime certainly are not supporters of Premier Dalton McGuinty.

Make the Ministry of Agriculture a lead ministry: Wow. You've just about destroyed that ministry. What can we say? I can't think of any government in history that has done more to hurt rural Ontario and hurt agriculture than the Dalton McGuinty government. Certainly that's what we hear in our ridings.

*Interjections.*

**The Deputy Speaker:** Order.



**Mr. Dunlop:** Support the province's cities: I know one thing. If they're going to support the province's cities, they did one thing: They sure supported Toronto by putting that garbage in London, so I'm sure they are supporting London as one of Toronto's cities.

Ensure health dollars are spent wisely: Again, we go back to the health care ads. I don't know how much they really are at this point, but I can tell you one thing: It's up into the millions of dollars being spent on government advertising.

Stop the waste of taxpayer dollars: I'm curious about that one, because when you look at the way the minister slammed Stephen Harper for his 12 minutes, when he spoke a little earlier, you would think that money was being spent very effectively and efficiently here in Ontario. Yet we talk about things like \$6 million to drop the "C" from the Ontario Lottery and Gaming Corp. logo; \$219,000 to pay the Liberal ad firm to redraw the trillium—that was something that everybody was screaming to have changed; \$91 million to fire nurses; \$100 million for partisan government advertising. When we talk about government waste, that's why we have some real problems with this bill and with this government.

Tackle gridlock: Boy, they've done a great job of that. Can you believe that? We keep putting more and more people on the highways. If I leave my house north of Barrie at 5:15 in the morning, I can make it to Toronto in decent time, like in an hour and a half, an hour and 40 minutes. If I leave it until quarter to 6, it's three hours. The gridlock is absolutely phenomenal, and you want to dump more and more people into Simcoe county. There's absolutely no infrastructure money coming with it whatsoever to tackle particularly the transportation system. I feel bad about that, but I can tell you that gridlock is going to be a very important part of the next provincial election, and this government really hasn't done a lot about it.

Give taxpayers better value for money while keeping taxes down: I'm sure everybody in the province would agree to that one. It's exactly the opposite. They're getting less and paying more.

Eliminate mercury emissions from coal-fired electric power generation stations by 2010 as part of a Canada-wide standard agreement: I'm not sure what they really mean by that, but you know that that's not occurring, because the coal-fired generation is still in place and will be for many, many years, I think even beyond the 2015 date.

Balance the budget every year of their mandate: Have they ever balanced it yet?

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):** Not yet.

**Mr. Dunlop:** No, but they've increased spending.

Put the public interest ahead of special interests.

Unclog emergency rooms: Unclogging the emergency rooms was certainly something that we talked about last weekend, but of course last weekend's announcement came as a result of Elizabeth Witmer putting pressure on

the Waterloo hospitals. I can tell you, I know a number of health care professionals from Waterloo. They give Elizabeth Witmer all the credit in the world, both when she was minister and as critic, for putting pressure on the government. Maybe some of that money actually will flow when we find out where it has actually been sent for.

Give the Ministry of Natural Resources the resources to protect fish and wildlife: You know, this summer the Ministry of Natural Resources never had enough money for their enforcement officers to go out and put gas in the vehicles. That's a fact. The MNR conservation officers were basically sitting in their offices all summer. They had no way of enforcing the legislation and the laws because there was no money for fuel for their vehicles. Up in our area, where we have literally thousands of lakes in Simcoe county and north into Muskoka and Haliburton, we need to protect our fish and wildlife. Certainly the enforcement officers do not have the budget to do so.

What I'm getting at here is that we talk about a budget bill, the 2006 budget, which increased taxes, which made a lot of promises. But as we proceed down the road towards the next election, I think that who people in this province are going to want to believe are the people who keep their word: promises made, promises kept. That's very important. When you see just 50—and I could go on and on and on. There's probably another 75 on this list. When you talk about that, when you go down that road and talk about the number of people who do not believe what this government says, I think they've got a real problem when they develop their next platform, which they've already set.

There is one thing I will tell you: They did keep a promise to hold elections every four years on a specific date. Because you know what? They like to Americanize the politics here. Anything they can do to Americanize the politics—they like those set election dates. That's what's here. That was Greg Sorbara's private member's bill. Anything to Americanize this system, they will do: changing the fancy logos, bringing in Bill Clinton's advisers as their advisers. That's what it's all about, Americanizing Ontario politics right here in the province of Ontario.

I want to say to you that I've appreciated this opportunity. I look forward to the kind words of questions and answers that will come back or the comments that will come back. I look forward to a lot of debate on this bill. It's a good one to debate. Thank you very much.

**The Deputy Speaker:** Questions and comments?

**Mr. Michael Prue (Beaches-East York):** It's always a pleasure to listen to the member from Simcoe North, but I must ask a question; I really must. It's towards you, Mr. Speaker, and I know the rules of this House. A great deal of latitude is given around financial bills, a great deal is given around budgets, and members can generally say what's on their mind related to the budget. I listened intently for the entire 20 minutes, and I do have to tell you, I did not hear the honourable member make one single reference to Bill 151, which is before us.



He was talking about what I consider many people in this province are concerned about. They are concerned about broken promises. They are concerned about the records of governments. They are concerned about what is going to happen in the next election. And I think all of those statements are trite. But I don't know what was really added to the debate.

I was somewhat bemused at the end, though, and amused as well, by his reference to the ragin' Cajun James Carville, because the only thing it told me, the only reference that I could think of, how that might have something to do with the budget, has not to do with the budget bill before us but the enormous budget of the Liberal Party, where they could spend \$50,000 for a 15-minute speech. I have to ask, if a government party has that much money to bring in someone from outside to talk for 15 or 18 minutes, as some have said—it may have been as long as that—why that amount of money was spent. But if they have the money, I guess they can spend it where they want. Would that they would take the money that is allocated to them in this province and spend it on better purposes, not on hearing from someone how to tailor a message, not on having someone say how they are going to keep the message simple in the next election, but actually spending it on good works that people are expecting.

1630

**Mr. Lou Rinaldi (Northumberland):** It's a pleasure to stand in this House to comment on Bill 151 in regard to the previous 20 minutes from the member opposite. Just for the record, I do support Bill 43 and, yes, I wasn't here for the vote. I don't think I owe the member an explanation, but I have a very elderly father who is not well, and that was the reason I wasn't there. For somebody to accuse me of not supporting the bill when I made it public that I do support clean water, I do support Bill 43—I would ask the member opposite to be honest on his feet and stand up and apologize.

Bill 151, which you refuse to speak about, is about moving the business of government ahead and it's all about doing the right things at the right time. For somebody to spend 20 minutes in this place and talk about anything but Bill 151, talking about his own agenda and not stating the proper facts, I don't think is what this is all about.

Once again, for the record, I do support Bill 43 wholeheartedly. I have the full support of my community. I can tell you, I spoke to a number of people, and even at a farming community that I spoke to the other night, the vice-president of the OFA fully supported what our government did on Bill 43. They're prepared to work with us on the regulations to make sure we get it right.

So I fully support Bill 151. Thank you for giving me the opportunity to respond.

**Mr. Murdoch:** It is a pleasure to be able to talk a little bit about the member from Orillia's talk here. I know that some people said he didn't talk about the bill, but he did. It's everything that's in that bill. I mean, it's all there. It's all there how this Liberal government has refused to give

any respect to rural Ontario. They've just totally taken any respect that we had in rural Ontario away from us. Every chance they've got in this House, through bills like this and through other bills, they've dumped on rural Ontario. It's a lot like what happened to London: They're going to take all the garbage from Toronto. There are, I think, four or five members in this House who represent London. They all disappeared—never heard a word from them. They all went home. So it's the same thing, what they are doing on bills like this: no respect for rural Ontario.

The speaker before me, Mr. Dunlop, mentioned the different things that they've done to us in this House, and they have. Look at our MNR; they just got rid of it. Ag and food: They might as well have gotten rid of it. They just destroyed those ministries. They still seem to have a minister, but that's as far as it goes. If we look at anything, they've decided that Toronto is where it's at: "We'll give them billions of dollars; no problem with that. Let's give all the money there." I don't know what happened to the members who represent rural Ontario. Maybe they don't let them speak up in caucus; I don't know. But I know that there are some good members over there from rural Ontario, and I know they try their best. But when this happens, when you get a government whose strategy is, "Forget about rural Ontario. We don't need to worry about rural Ontario, because we don't respect them anyway," then you dump on them. That's what they've done, and that's what this bill has done.

Our speaker before mentioned all those things that they promised to do. They'll say anything. The biggest mistake is their three-men-in-a-tub logo. That is just awful.

**Ms. DiNovo:** Certainly, when the budget first came out, there were a lot of comments made, and I just wanted to share one. This is from the Income Security Advocacy Centre, and I quote. At that point, "Despite having more than \$2.5 billion at their disposal, the McGuinty government has condemned poor families to continued hunger and housing insecurity," says Sarah Blackstock, research and policy analyst at the Income Security Advocacy Centre. "The money to alleviate poverty is there. What's missing is the political will—that's always been the missing ingredient with this government. Clearly, poor families are still not a priority for the current government."

I would submit, respectfully, that it's not about money; it's about will. It's not about the jurisdictional squabble with the federal government; it's about the will to actually spend money where it's needed most in this province, and it's needed most by our children. We live in a province where 13,500 children in the GTA alone use food banks. I remember growing up in a family where my father talked about the Dirty Thirties and about food banks. I remember asking him, "What's that?" because there wasn't one. He used to talk about people having to sleep on church floors. I couldn't imagine such a thing, and here we live in that reality and that's our day-to-day. We've become inured to it, and that's sad. It's absolutely beyond sad; it's appalling.



We're going into a winter now where there will be more deaths and, again, there's not the money for it. I suggest that it's not a question of there not being money for it. As we know, they're sitting on at least \$400 million by their own admission, so it's not about the money; it's about the will. Clearly, poor children; clearly, families; clearly, women; and clearly, working families who are trying to make a go of it earning about \$1,320 a month—that's \$8 minimum wage—are clearly not priorities for this government. I'm going to talk about the budget and the economy where it counts.

**The Deputy Speaker:** Member for Simcoe North, you have two minutes to respond.

**Mr. Dunlop:** I would like to thank the members from Beaches–East York, Northumberland, Bruce–Grey–Owen Sound and Parkdale–High Park for their comments.

The member for Beaches–East York mentioned, “You didn’t speak on Bill 151.” Do you know what? Neither did the minister. The minister spoke for 12 or 14 minutes and never mentioned Bill 151. All he did was slam Stephen Harper. So I thought that was the trend of the discussion: We’re going to talk about broken promises and Stephen Harper. That’s what I thought they were going to talk about.

So I’m going to talk about broken promises. The people in Ontario were used to Mike Harris: promises made, promises kept. Now we’ve got this team in place—

*Interjections.*

**The Deputy Speaker:** Order. Thank you.  
Member for Simcoe North.

**Mr. Dunlop:** We’ve got this team now that breaks a promise almost on a daily basis, and then they try to spin their way out of it by spending taxpayers’ dollars on fancy ads. That’s what the people of Ontario are sick of now. All I’m saying is that as we proceed down this path towards the next election, how is this government ever going to create another party platform? No one believes their old platform because they hardly kept a word in it.

Finally, I would like, if I in any way offended the member for Northumberland by mentioning that he hadn’t been present for the Bill 43 vote, to apologize to this House on behalf of that. I do know that we voted that day, and immediately after the vote he came back into the House. I wanted to say that. So I thought maybe he had skipped out on the vote. However, if he was away because of a sickness and he got here late, I understand and I do apologize to Mr. Rinaldi for my comments.

Anyhow, I do want to say that I look forward to more debate on this bill. I want to make sure that people keep making sure that the public in Ontario is very much aware of the number of promises that Dalton McGuinty’s government has broken.

**The Deputy Speaker:** Further debate?

**Mr. Prue:** I will be speaking to Bill 151 today. I would like to preface my remarks by acknowledging what the former debater, the member for Simcoe North, had to say. I listened intently as well to the minister, and

he went on and on and on about not the contents of this bill but about his jurisdictional and financial dispute with the government in Ottawa.

I want to talk about what is in this bill. I don’t know how many members have had an opportunity to read the whole 192 pages of a rather arcane bill. I started to read it at my desk and I actually fell asleep. This is probably the best cure for insomnia that I have ever seen. It is arcane; it is hard to understand; it is filled with legal and complicated jargon. When you’ve read eight or 10 paragraphs, you think, “What have I just read?” It’s hard to understand what is actually contained in it. But I spent a great deal of time and I think I’ve come to some understanding of what is contained within the four walls of this particular bill.

Some of the aspects of this bill, I find troubling; some of them, I wish the government would take a very good look at. I’m sure it’s going to go to committee, as most government bills do, although I haven’t heard anyone actually say that this bill will end up in committee for comment. But let’s just start with the bills that it purports to change.

1640

The first one is the Development Charges Act. I was a little bit worried when I read this. I thought, what is the difference here? It’s talking about being based on a planned level of service for 10 years following the preparation of a background study, and it’s now going to read as being based on the planned level of the 10 years preceding the background. So what has been changed is “following the preparation of the background study” and “preceding the preparation of the background study.” How is that going to impact? Then, as I read further, I saw it had to do with the Spadina subway system, so this is a new financing mechanism hidden within here for the Spadina subway. It is based entirely on the future development potential and intensity of that particular corridor.

We know that this was a controversial issue when it first was presented to this House. We know that there were allegations made of the developers who stood to gain and to lose if the Spadina subway was built. But now, hidden inside this bill is a change that will allow that it will be based on the planned level of service following the preparation of the background study. To do this is to say that we know it’s going in and how much these adjacent properties are going to escalate in value, rather than what they were worth at the time the study was going in and how the subway is going to be financed. Now we’re going to look at it in a completely different way that this province has never done before with subway or expressway systems, or mass transit systems, or any other type of system, to say that we’ve just increased the value of all of this property. Now we can have this property sold off and trade hands and development money made. We’ve done this through a mechanism. We changed it within the body of a bill that nobody ever probably noticed or probably ever read.

Now, I have some very serious concerns with a government that behaves and acts in this way because,



quite literally, with the change of a couple of words, billions of potential dollars of development money can be made or lost. People may not realize the value of their property. The city of Toronto, quite clearly, may have difficulty in raising the funds. There's a whole bunch of stuff in here that is not crystal clear to me or probably to anyone in the government as well.

So if this goes to committee—and I suspect and expect it will—we would like very much to have the city of Toronto and their financial people called in. We would like very much to see whether or not that is going to increase the amounts of money that developers have made or are expected to make by virtue of these changes. Because very often in this Legislature there are allegations—sometimes founded, sometimes unfounded—about the development industry and whether or not they are in bed with certain politicians, whether or not secret deals have been made, whether or not large amounts of money can accrue from changes in legislation. This is one that is right there. This is one that conceivably could result in billions upon billions of dollars and is simply the change of a couple of words. So I found that one.

Then I looked at the next one. The next one is that the Assessment Act has been changed. So I looked at the Assessment Act and how that is being changed. At first blush, it's not being changed a whole lot. You are changing the date of the last assessment and the freeze from 2004 and replacing it with January 1, 2005. This is the date upon which the McGuinty government has chosen to freeze assessments across Ontario. This too was a very controversial development when it was made. I think many taxpayers, many ratepayers, many citizens of the province of Ontario breathed a collective sigh of relief that, at least in the two years that pass, they're not going to expect that their assessment is going to increase and thereby their house taxes increase with it. There it is. I thought, why are they sneaking this in here? Of course, it's quite convenient to not have a separate bill to do that because that invites a whole debate about the government trying to hide its agenda, trying not to act upon the commitments it made in the last election to do something about property taxes. In fact the bill, as it exists here, conveniently expires in 2008, mere months after the next election campaign. It freezes property assessment at 2005 rates and expires as soon after the 2007 election as is reasonably practicable, i.e., a couple of months later.

When the Premier announced this plan to the assembly at the Association of Municipalities of Ontario, although at first blush it may have received some applause, there were many people from the 450 municipalities or so in attendance who thought this was a political ploy. It was merely to take this issue out of the electorate's mind until after the next election. I can't see any other reason, quite frankly, why this government has chosen to freeze it for two years.

When the questions were asked of the Minister of Finance in this House, I fully expected him to give some kind of answer that was at least credible—why he had chosen this date; why it would take him two years to force through a study as to whether any improvements

could be made—and the answer that came back, and I invite members to check Hansard, was that the government felt it needed the time to institute the 22 recommendations that had been put forward by the Ombudsman, Mr. Marin, in his report, which was highly and totally critical of MPAC and which was highly and totally critical of the secrecy and the way citizens were being treated by the bureaucracy of Ontario.

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** How did he have time to do that investigation?

**Mr. Prue:** He did the investigation in his usual brilliant way.

*Interjection.*

**Mr. Prue:** The Minister of Tourism laughs, but I believe that the Ombudsman of Ontario has done a brilliant job, an excellent job on behalf of the citizens of Ontario. In everything he has investigated, he has pointed out the foibles of government policy and he has pointed out the foibles of how the bureaucracy carries out that policy. In every single case, the government in its wisdom has seen fit, in spite of the laughter from the Minister of Tourism, to acknowledge that the statements he has made are correct.

In fact this government, on that very same issue, said they would, in time, follow all of the 22 recommendations made by Mr. Marin. Now, 17 of them were of absolutely limited consequence to the government. They were mostly in terms of how the bureaucrats dealt with ordinary citizens. That, it was agreed, was going to be done and was going to be accomplished within the bureaucracy in short order. I think that some or all of the recommendations were actually in place before the report was released, and I believe that all of the 17 have all been implemented at this stage.

I questioned the minister at great length, "Why is it going to take two years to do the 22 recommendations?" There are only two recommendations outstanding that are of any consequence, and they're very easy.

One is to reverse the onus so that the onus is no longer upon the citizen to prove that the MPAC recommendations are wrong, but that it is upon MPAC to prove that they are correct, that what they have done is right, so the citizen no longer has the burden of bearing the evidence and placing the evidence before the adjudicator. The evidence shifts and the onus is put on MPAC with its giant bureaucracy, its legions of workers, its computer plan and everything else they have ready and available to prove that they are right. That's a pretty simple thing. It's done in the province of Manitoba, for one place, and it certainly did not require two years of study to implement that.

The other one is rather bizarre. The other one is forcing MPAC to release the information upon which its computer model is based. I don't know why that takes two years of study either. They either release the information and the government does not consider it proprietary, or the government announces, full stop, that they're not going to have it released, which the gov-



ernment did not do. There you have something that should take a matter of two minutes, not two years, which the government is hiding behind. Certainly there is no logical reason that it will take the government two years to study those recommendations, which falls back to: Why is it taking two years? The only rational explanation, in view of the minister's saying absolutely nothing on this issue, is to take it out of the political mix of those ideas that will come forward for debate in the months leading up to October 2007.

1650

It's quite clear to me that taking this action to hide it in an omnibus bill is tantamount to the government's trying to hide from it and saying that they do not intend to deal with it, that they don't plan to take any action. Some would think this is cynical, that this is burying a broken promise. But I would think that, if this government is serious about doing anything, this would not be buried within the body of this bill. In fact, this government would come forward with some ideas of their own on how to fix the property tax mess that we have here in Ontario.

I know, when the Conservatives were in power and I was a rookie member sitting on this side of the House, that we heard how bad the bill was. We heard Liberal after Liberal stand up, when they were on this side of the House, talking about this bill and how bad it was for ratepayers. They were talking about how it needed to be improved. Even the Conservatives, who were then on the other side, admitted it was a deeply flawed bill that they had brought in. They had to change it seven times; it was changed seven times in the years following its introduction because it simply did not work. It was punitive. It drove small businesspeople, or threatened to drive them, out of their businesses until the properties were capped. It had to be phased in over a long period of time in many cities, including the city from whence I come, the megacity of Toronto. It simply was bad. It's so bad that the Conservative member from Erie—Lincoln saw fit to put in a private member's bill to radically change the bill that had been part of his government's legacy. He called it the Homestead Act. It received some support in this House, but I do not believe that it will ever see the light of day.

Having said that, I believe that this government has an obligation not to hide behind this bill; it has an obligation to do something. As a small party of nine members, we endeavoured to go out and hear what ordinary people had to say and made some suggestions. I'm not surprised that the Minister of Finance doesn't like my suggestions, at least in the House, but I look forward to seeing some of them in the Conservative Party policy leading up to this October. Quite frankly, all that needs to be done to bring an element of fairness into the taxation system of Ontario is to start with the premise that we are paying too much in property taxes. People who are watching today may be surprised, or may not be surprised, to know that we in Ontario pay the highest property taxes of any province in Canada—quite a bit higher: There is four times as much

property tax per household in Ontario as there is in the province of Newfoundland. The only one, of all the other provinces in between, that even comes remotely close to us is Quebec. But people would be even more surprised to learn that in the entire world, if Ontario were a lone jurisdiction in terms of property tax—we are number two. We pay the second-highest property tax in the entire world, save and except parts of England. That's the legacy we have.

It's quite simple how we got there. We got there because the previous government decided to download enormous amounts onto the municipalities, so that today the reality is, even if you leave education in there, that 25% of every dollar, 25 cents on every dollar, paid in property tax goes to provincially mandated services. They run the whole gamut—from welfare to supportive housing, to assisted housing, to children's services, to health, to ambulance, to seniors' affairs—some \$3.2 billion.

We as a party made some recommendations that we should start looking at ways to improve the property tax. We're not content to hide behind it. We said that we should upload that download, that we should phase it out over a period of some 10 years so that property taxes truly reflect the actual services to property. We said that we should give rebates to seniors to make sure that property taxes do not drive them out of their homes when and if property rates spike. We said that we should come up with a new form of assessment—which isn't all that new, because it's been used quite successfully in the state of Florida for a number of years—which is to freeze the property values until sale. We said that there should be a seasonal option made available to municipalities, that if they are not providing services to seasonal properties, i.e. cottages or trailers or campsites where people are there only for the summer months, they should have the option to say that those properties not be taxed to the same extent or the same amount as permanent residents, who can use all of the facilities, all of the libraries, all of the snowplowing and all of the garbage pickup 12 months a year. We said that all the 22 recommendations put forward by Mr. Marin are good ones. In fact, the government said they were all good ones, but we would act on them immediately.

Last but not least, we need a property tax assessment system that is fair to tenants. The one we have now is not. Tenants in some cities pay two and, in some cities, up to three times as much property tax on their apartments as comparable condominium towers that can be as close as next door. We need to act to make sure that tenants are favourably treated.

All of those things can be done, but they're not being done in the body of this bill. What is being done is to simply hide and do a two-year freeze in one line under the Assessment Act. That's what's found in the body of this bill, and, quite frankly, it's not good enough.

Then we went on and looked at some other stuff. We have the Ontario Energy Board Act. Here's another little piece of legislation in the big giant government puzzle



that's gradually coming together. It permits gas and electricity projects to be expedited in some cases. They can be expedited and moved ahead without the safeguards that communities have come to expect in the past, whether those safeguards be environmental assessments, whether those safeguards be, as some say, by the municipalities, by the planning board, by the Ontario Municipal Board, by all the other bodies. This is a further expediting of gas and electricity projects primarily by private producers to get around the safeguards that communities in this province have come to expect over the last 100 years.

This should not come as a surprise to people who watch this Legislature often because the first bill was Bill 52, which was the Municipal Act. The bill took away not only—I might have the number wrong; it might be Bill 103. But anyway, the Municipal Act bill took away the rights of municipalities to hold hearings and do planning on energy projects. So a right they had had for many, many years was taken away, and those rights were not to be given to them anymore. Under the former legislation, the Ontario Energy Board was exempt from that. But what the bill did was say that all private energy developers are now exempt, like government bodies. And it took that right away.

Not only did it take the right away from all of the smaller municipalities, but it took away the same right that had been granted to the city of Toronto in June of this year in the mega City of Toronto Act, which I supported. I supported that bill because I thought it was good for the city of Toronto. But then after six or eight weeks, I had to watch in some degree of horror while this government took away the same legislation which they had previously granted. They took it away from Toronto; they took it away literally from every other municipality in Ontario. When the mayors from the various towns and cities came before the committee they were, to a person, opposed to the actions of this government on that file.

Then I watched the second one, which was the detail surrounding the Ontario Municipal Board. It was either Bill 52 or 103, because I get them confused in my own mind—the numbers, not the contents. What it did is it closed the rights of appeal, so there are no rights of appeal in these forums anymore for ordinary citizens. It took away the rights of appeal for a citizen who was not present at the time of a development to go to the Ontario Municipal Board unless they had actually spoken at a hearing. They could have been present at the hearing; they could have signed a petition that was at the hearing; they could have had a spokesperson at the hearing who spoke on behalf of all of them, but unless they actually spoke, they were forbidden by this government, and are forbidden now, to appeal to the Ontario Municipal Board. So we saw that happen.

1700

Now we have expedited gas and electricity. We'll see that visited, I'm sure: This three-pronged attack against citizens' rights, against community rights and against cities' and towns' rights to have a say in how all of this

fixes within their municipality. We've certainly seen it in my own riding and in the adjacent riding of Toronto—Danforth. We've seen the power plant and what the Liberals have planned down on the waterfront of Toronto.

I've spoken about this on a number of occasions, but this is a portion of the bill today that will allow this to be expedited in ways that it never has been before. There was considerable—and remains considerable—community consternation against what this government is doing on the waterfront in Toronto. If you go around the streets in Toronto—Danforth and in the Beach to this day, you will see a lot of election signs. I guarantee you, there are a lot of election signs for various candidates, but what is numbering as many as, I think, almost any candidate has are signs that say "Breathe much?"—"Breathe much" with a question mark. They're signs against the mega power plant that's located in the port lands of Toronto harbour. People are upset. People are upset that they have lost their say. They are demonstrating in the only way left available to them: with a sign that says, "Breathe much?"

This the first community, I believe, that has been affected in this way, but every other community in Ontario, as a result of this bill and the other two bills that precede it, are now going to see expedited permits for gas and electricity projects. They're going to be there as a result of Bill 151 and if this section passes. That, too, is contained within here.

I went on to look at how the gas tax act is being changed. This one I found rather strange for a party that purports to be environmental and for a minister who stands up and tells us every day the great job she thinks she and her party are doing around the environment, because this one here says quite bluntly and forcefully that ethanol will be subject to the same rules as other fuels and will be taxed identically to gasoline.

It seemed to me that ethanol is a cleaner-burning substitute for gasoline. Ethanol does not add to the carbon mix because ethanol comes from the carbon mix. It comes from wood fibre, it can come from corn fibre and it can come from agricultural waste. As you grow it, it takes carbon out of the atmosphere and out of the air to grow these plants. You simply take it back out, so it's not adding to the carbon mix; it's simply putting the carbon back in from whence the carbon had come in the year or two or five years before.

It is something I thought was and is environmentally very sound, but this province is going to treat ethanol in exactly the same way you treat gasoline. You're going to tax it at exactly the same rate, and you are saying it is exactly the same as carbon-based fuels that are made synthetically from the ground.

I find this hard to fathom—why this government is choosing to do this. I find it very hard to fathom. If you go to a country which is much more into ethanol, if you go to a place like Brazil which uses mixtures of half-ethanol and half-gasoline and runs most of its cars and trucks on this mixture, you will find that the taxes on ethanol are less, so that the gasoline does not have to be imported nor does it have to be extracted. But this gov-



ernment in this act is sneaking through, without telling a soul—without the minister referring to it, without the parliamentary assistant referring to it—that ethanol will be subject to the same rules as other fuels and will be taxed as gasoline. I think that in terms of environmental stuff, this is wrong too.

I went on to look further. There's a section here in the provincial land tax. This one here is, I'm sure, going to cause a great deal of grief, particularly in northern Ontario and in unincorporated lands, particularly again in the north. It says that the government and the minister are now going to have the assessment on unincorporated territories and the land contained inside those unincorporated territories. The assessments will now fall under the Assessment Act as opposed to the Municipal Act because it is unincorporated. The minister may be benign if he chooses to be so and may grant tax relief, but he may also tax the people who own the land in the unincorporated land whatever taxes the minister deems to be acceptable and affordable. So we're going to have places, particularly in northern Ontario, particularly in remote jurisdictions or non-jurisdictions outside of municipal boundaries, in land that often does not have any roads, certainly has no sewers, most often has no hydro lines, most often has no garbage pickup, municipal services, libraries, police force or anything else—this is land that's quite remote in most cases—were they are going to be subject to tax.

I'm of two minds on this. I think everyone should pay tax, but people who pay tax have a right to expect services for that tax. There are no services offered to the people who live in these remote areas. They are not part of a municipal structure and they may not access any of the municipal structures. They're simply too far away to make it practicable. Even so, if they were to go into the nearest town, which they may have to fly into and may be 400 or 500 kilometres away, it is not at all certain. Certainly they would not be eligible to receive any of the tax benefits from that particular town, but the minister's going to be able to tax them. I find this potentially very problematic, and I am sure there will be people who will rally against and say that they expect full services if they are to pay those taxes. But it's contained within the body of the bill. It benignly says that the minister may exempt people, but it also gives the power not to do so, and that's found here. I don't know how this snuck in. I certainly would have welcomed the minister, in however brief his address was to the Legislature today, talking about this and the need for this because it is and will be a very contentious issue in much of northern Ontario.

The minister did talk, however, about the dispute with the federal government. I listened to this, as I always do, trying to find some way to steel myself, to get myself up and say, "You're right; we should be getting more money from the federal government." Quite frankly, we all know that they are running billions and billions of dollars in reserves. We all know that the money is just dripping at the federal government. They have so much money, they don't know what to do with it. They're paying down the debt, whereas all of the provinces, save and except

Alberta, are having a real time, and Ontario is no exception. We are like the other provinces, save and except Alberta: We are needing to find additional sources of money. But I have to tell you, I am getting a little bit tired of the refrain and the blaming of the federal government and the talking about the federal government's billions of dollars—which I acknowledge they have. I'm getting tired of the refrain because I do not see that negotiations are taking place in good faith that are resulting in anything. What we're seeing here in this Legislature is Harper-bashing. I'm a politician; I expect to bash other guys from time to time. But all I'm seeing all the time is Harper-bashing, Harper-bashing, Harper-bashing and talking about, "Pick up the phone and phone these people," as if I can pick up the phone and talk to him, or any members of this Legislature would get through on even the best day of their life. It's simply not going to happen.

1710

What is happening is that the federal government has the money—and I'm not arguing that. I'm not arguing because the negotiations have gone badly, because surely they have gone badly. What I am saying is that the money, in large part, is not part of this Budget Measures Act and it's not part of the promises that this government made in 2003. This government did not get elected on a platform that said, "We make the following 231 promises, based in whole or in part upon the federal government coming forward with \$2 billion or \$3 billion or \$5 billion." That wasn't part of the statement that was made.

We are the second-largest government in this country and we have the wherewithal to raise our own taxes, we have the wherewithal to raise our own sources of money, and certainly we should have the decided wisdom on where to spend that money.

I tried to figure out why the federal government is so reluctant to forward money to Ontario. It's not that difficult, if you stop and look at what Ontario is doing, to understand why the federal government may not want to co-operate.

**Hon. Mr. Bradley:** This is interesting to hear.

**Mr. Prue:** Yes.

*Interjection.*

**Mr. Prue:** So listen to it. This is how some of the things work. I've been trying to—

*Interjection.*

**Mr. Prue:** Well, okay. This is how it works.

*Interjection.*

**Mr. Prue:** I'm not talking about tax cuts. The federal government sent a cheque on September 25 for \$1.13 billion, and it arrived and was cashed by this government. I expect you to cash it. I expect you to put it in the bank. I hope you're going to put it in treasury bills until it's used, where you can make some money off it. The \$1.13 billion has arrived and is sitting in the bank and in the various budget envelopes in the province of Ontario. Of this money, \$312 million was earmarked for affordable housing—and it's there. Eighty million dollars is for the off-reserve aboriginal affordable housing trust. That's the



\$400 million that was spoken about in Ottawa. That's really where the \$400 million is. The federal government says now that the province has been paid.

**Hon. Mr. Bradley:** It hasn't.

**Mr. Prue:** Well, no, you say they haven't. But the federal government—

*Interjection.*

**Mr. Prue:** Just listen to me. Just let me get my sentences out before you heckle. The federal government says that the province has now been paid. The province, on the other hand, says—possibly correctly—that the money should have been over and above the funds committed to in the agreement. So the federal government is saying, "Here's your \$400 million," and the province is saying, "That isn't our \$400 million. That's just other money. We expect another \$400 million." That's what the debate is about: whether or not the \$400 million constituted the amount that was agreed upon or whether the province has the right to an additional \$400 million over and above that which was given.

The province has seen fit to draw the money down. What that means—and I had to go and look that up, because I didn't know what "drawing the money down" actually meant. It means that it's booked as revenue. It's contained as revenue, and the government has it down as revenue. The province deposits the money in envelopes, and if the envelopes have budgets larger than the allocation, it is determined that that money is contained within it. That means that the government does not have the legal liability not to spend—I hope I've said that right. Let's put it in plain language: The government is not required to spend the money on the intended purpose that the federal government gave if they already had an envelope which was larger than the amount of the money flowing in. To make it simple, this government spends about \$35 billion on health. The federal government gives \$5 billion for health. The government of Ontario has the ability to simply take that \$5 billion and say, "We're still spending \$35 billion on health"—I'm just giving this as an example. It does not have to say, "It's now \$40 billion we're spending." It can still be the same \$35 billion. So the federal government, when they give the \$5 billion, is seeing Ontario take the money and not necessarily—because the law does not require it—increase the service.

This is causing, I think, a great deal of difficulty between the two levels of government. One considers that they should get the money as of right, that the budget envelope already contains that money and wants to take it, possibly to use for other purposes or to keep it in a trust fund; the other government is saying, "Hold on. We're giving you this money. We expect you to spend it on the same purpose or on the plans that are put forward by the federal government." There is no increase in the service.

This all twigged and it all came to light when my colleague the member from Parkdale—High Park questioned the Minister of Municipal Affairs and Housing in committee the other day. We were looking at where this money that had been given by the federal government for

housing had actually gone; \$150 million was supposed to be money that went into housing, and it's booked as revenue for the year 2006-07.

When we asked the finance authorities—I believe his name was Mr. Barnes, from the ministry—questions were asked of the minister and Mr. Barnes. Finance claimed that the money had not arrived. When we questioned the money that was being spent and has been spent on housing—\$18 million from the province and \$44 million from the federal government—what happened to the rest of the \$150 million that the federal government had sent and that was obviously in the budget?

As I said, the member from Parkdale—High Park asked Minister Gerretsen and Mr. Barnes and they could not answer whether in fact (a) the money had arrived, (b) whether it was in a pocket or (c) where it was at all. They could not answer that question in estimates. They suggested—and Mr. Barnes said, at least, at the end—that those questions had to be asked of the Ministry of Finance because, within the Ministry of Municipal Affairs and Housing, they simply do not know where that federal money has gone and why it has not been spent on housing.

I have to ask the members opposite. Yes, we know the federal government has lots of money, and yes, we want—all of us, everyone in this House—more money for the people of Ontario because we do a really good job for the rest of Canada. We pay our taxes, we subsidize poorer regions and we do what Ontario has always done within Confederation, but the people in Ottawa have a legitimate right to ask the questions.

If they are giving money to the province of Ontario to accelerate our programs; if they are giving money to enhance our programs; if they are giving money for specific good purposes, like the building of housing on aboriginal lands or on reserves; if they are giving the money in Ontario to do good works, like building housing for people; if they're giving the money to end the clawback; if they're giving the money for housing or for children or for health or for any of 100 good reasons, then certainly they have the right to know that that money is being expended, because it is taxpayers' money and it is federal government money that is being apportioned to each and every one of the provinces. They're asking, simply, that this be done.

I don't have a great deal of difficulty—I am not going to castigate the Prime Minister or the people in Ottawa for asking that the money that is forwarded to Ontario be spent on the purposes for which it is intended. I, quite frankly, have a hard time understanding this bashing—what the Minister of Finance had to say today, to get on the phone and tell Ottawa we're not getting enough. That which we get we cannot account for. No one will account in estimates. No one will answer in this House. No one will say anything, save and except, "It is not enough." I feel like we're just almost like a Dickensian character: "More soup, sir?" I mean, what is this?

**Hon. Mr. Bradley:** There's the person who knows.

**Mr. Prue:** There's the person who knows. Well, then maybe she should stand up and speak next, because we



haven't heard it from anyone. We haven't heard it in the debate; we haven't seen it in the press; we haven't seen it in this House; we haven't seen it in this bill. We need to know—

**Hon. Marie Bountrogianni (Minister of Intergovernmental Affairs, minister responsible for democratic renewal):** You will. It's coming.

**Mr. Prue:** It's coming. Okay. I hope Harper's money is coming.

**Hon. Mr. Bradley:** That's the problem. The opposition members in the federal House are asleep at the switch.

1720

**Mr. Prue:** I'm hearing over there that the opposition members in the federal House are asleep at the switch. I'm not sure that that necessarily is the case. I would think the members in your own party are otherwise occupied. The 29 members of the New Democratic Party I am sure are doing the best they can with the limited time that they're given to debate or to ask questions in the House. They're only allowed four questions a day, for a minute each. It's not quite as lively as it is here. It's not like this House.

In any event, I don't blame them for doing what they do, all of them, the Bloc Québécois either. They're all trying to do the best they can in terms of their own jurisdiction and what they can ask.

What I am afraid of, and what I have not heard, is if this money is not to be spent, if we've only spent \$18 million of provincial funds on housing since this government came into power, if only 1,652 units are actually occupied in this province—when the questions were asked, no moneys had been expended on those other housing projects that are in the works because the money comes at the end, not in the beginning. It comes not at the planning stage but when the construction starts and when the construction ends, when the money is actually forwarded. Very little money has been spent. Where is all of this money going?

I try to be as non-partisan as anyone in this House. I think I succeed on most days but I have to question, if there are hundreds of millions of dollars of the federal government sitting in pools somewhere, what are they sitting there for? The question needs to be asked. The Toronto Star asked, why are you sitting on \$392 million of federal money? Why is it in the bank when there are 122,000 families in Ontario looking for funds?

*Interjection.*

**Mr. Prue:** I'm getting questioned, why are the feds sitting—I can't answer the questions for the feds. I can ask the questions. I can't answer them because they are not forthcoming, but I want to know what this government is doing with that nearly \$400 million. That could assuage the difficulties of so many families, of so many people, of so many children. So many people could be helped if that housing was actually built, if a fire was lit underneath some minister or some bureaucrat and it was actually built.

I don't want to think, and I want to hope it's not true, that this government is simply going to hold all of that money and, come next spring, announce, "Here's what we're doing. Look at all the money we have, and we're spending it. The election's in October; remember us." These problems are ongoing problems. Every day, kids go to bed hungry. Every day, people are on waiting lists for years and years to get affordable housing. Every day, things need to be done.

The government in Ottawa has said that they've given the money and all they're going to give, I guess. You have received some money and you say it's not enough. I guess that's true too.

**Hon. Mrs. Bountrogianni:** We're going to fight and get more.

**Mr. Prue:** Okay, here we are: "We're going to fight and get more." All I am saying is that in this budget bill, and in listening to the Minister of Finance, we have today what we have, and that money should not be locked away. That money should not be in a separate account. That money should be used for the purpose for which it was intended. It was given, either in good faith or in bad faith, by the federal government. It is in your vault. You have the keys to that vault. I am simply suggesting that the minister can no longer say that it's all wrong at the federal government. He has an obligation, with the monies he has, to put them to the use for which they were intended, and that's on that particular point.

I've still got 15 minutes left.

**Mr. Dave Levac (Brant):** Go for it.

**Mr. Prue:** "Go for it." I'm not sure I'm going to use my whole time, but I think I've been on topic, have I not?

**Ms. DiNovo:** Absolutely.

**Mr. Prue:** Absolutely. Always on topic.

**Mr. Levac:** Are you for or against it?

**Mr. Prue:** Am I for or against this bill? I almost always vote against bills on second reading, save and except when I cannot find any flaws. I have talked about the flaws. I've talked about the flaws that I see in the Development Charges Act, the flaws in the Assessment Act, the flaws in the Ontario Energy Board Act, the flaws in the Gasoline Tax Act, the flaws in the Provincial Land Tax Act, and some of the arguments that need better explanation than we are getting in the whole debate with the federal government. This bill needs to go to committee. This bill needs to have—did I hear it will be?

**Hon. Mr. Bradley:** It will.

**Mr. Prue:** That's good. I started off by saying that this government has sent most of its bills, including its contentious bills, to committee. I appreciate that that is done.

If you ask me whether I will support this bill, it will depend in large part at third reading on what happens in committee to these contentious parts. It is hard, because this is a bill of 192 pages. This is a bill that looks at 30 different acts. I can find, at least without falling asleep, some difficulties with six or seven of these acts, questions that I have of the government, questions that I'm sure the taxpayers of Ontario would want to be asked by



an opposition member. How these are resolved will depend in large part on whether or not I can support the bill when it comes back. But certainly, if you were to ask me point blank whether I can support it, with these things in it, going into committee: No. Will I be happy that it goes to committee? Absolutely.

This will be, I'm sure, a difficult year for the Minister of Finance. We heard him the other day when he talked about the economic statement. He talked about what was happening in Canada and in the world. He talked about high energy costs, the dollar and the value of the dollar. I was somewhat bemused because the figures he used of the Canadian dollar were last spring's, when it was topping 91 cents, and although it has shown some recent strength, it is down some 3% since that time. He talked about the high cost of energy, particularly gasoline, and I remember buying gasoline most often at well above \$1 a litre. It's quite easy to find gasoline on the streets of Toronto today at about 75 cents if you go after 10 o'clock at night, when they've reduced the prices. The prices are right down. So I'm not sure how much that analysis carries through. Notwithstanding that, the analysis that is correct and that he has stated is that there is a downturn in the United States, our largest trading partner.

**Mr. Tascona:** Huge.

**Mr. Prue:** How large and how long that going is to last—

**Mr. Tascona:** Deep.

**Mr. Prue:** I have my Conservative colleague here saying "huge" and "deep." I hope that's not the case, because certainly that is what triggered the 1990s. That's what triggered 1989, 1990 through 1995, before that corrected itself. I would hope that Ontario is not going to go through a similar phase and a similar time as that. We need to steel ourselves, we need to be ready, and hopefully the downturn will not be as serious. But I have noticed that some of the key indicators in the United States, including the price of houses, where they have tumbled in some jurisdictions by 25% in just one year, may be the harbinger of bad things to come.

Having said that, we have here Bill 151. It is a very small portion of a budget which we are all anticipating and expecting early in the spring. I am sure it will be the government's trump card or their signal piece of legislation that they will want to put forward in the next election. But in the meantime, we have an obligation on this side of the House to make sure that the government deals with at least those items, and probably a lot more that I couldn't find over the last few days, contained within the body of this bill which are contentious and for which the citizens expect far better answers than they have had in the debate up until this point.

I'm not going to use my last nine minutes because I think I've said everything that needs to be said. Thank you for your attention.

**The Deputy Speaker:** Questions and comments?

**Hon. Mrs. Bountrogianni:** I'm pleased to respond very quickly to my colleague from Beaches–East York: Excellent debate, and I will say that you will hear more

about this debate at the federal-provincial level on this unfairness. We have tried our best to be patient, we've tried to work with the federal government, but to no avail. I ask you, Mr. Speaker, is it fair that we get \$86 less per person for the Canada social transfer and the Canada health transfer than if we were citizens of any other province in the country? That's \$86 less per person, which doesn't sound like a lot, but it's \$1.1 billion a year for Ontarians. Included in that is, for example, \$171 less for someone who needs a hip replacement here in Ontario than if they were in any other province in the country, and \$112 less per college student than if they were college students in any other part of the country. I just popped into the college reception, where we had amazingly talented students showing their work. Are they any less talented or do they have any fewer rights than students across the country? I don't think so. There's \$684 less for skills training, and here's the big one: \$3,640 less in EI than if that unemployed person was living in any other province.

1730

This inequity hasn't happened in recent years; it's been in the last few years. We attacked and challenged the federal Liberals when they were in power, and we're doing the same thing right now. I'm pretty proud of my Premier, because it's not easy to attack a party that you belong to. Yet we did that when the Liberals were in power, and we're doing it now because our job is to stand up for Ontarians. We put partisan differences and partisan similarities aside when it comes to standing up for Ontarians. It's time for fairness for all Canadians, including the 40% who live right here in Ontario. That's all we're asking for, and you'll hear much more about it in the days and months to come.

**Mrs. Julia Munro (York North):** I'm pleased to be able to offer a couple of comments in response to the speech given by the member for Beaches–East York. Consistent with the theme of his remarks is the question of this constant pressure that this government has put on dealing with what they refer to as the fiscal imbalance and the federal partnership. One of the things that the member from Beaches–East York made reference to was the fact that we need to be looking at what Ontario is doing in terms of its budget. The constant references, putting up the phone number of the Prime Minister a couple of weeks ago—things like this all demonstrate that they're looking for some scapegoats, they're looking for some methods to try to take credit in particular situations and at the same time constantly looking for somebody else to blame.

I would just end on one comment that the minister made in his remarks the other day. He talked about how achieving goals "will require even more prudence and greater discipline in managing our expenditures and ... expectations." I think the question is, more than what? Certainly the kind of spending that we have seen by this government, the fact that it has so much outstripped the economic growth, begs the question, more than what prudence and more than what greater discipline?



**Ms. DiNovo:** A particular thank you to the member beside me, Mr. Prue, for his insightful look at some of the deficiencies of this bill. I think perhaps our honourable member across the way missed the key point that he was making—actually, he made a number of key points. I'll get to the key point, but first of all, he talked about some of the deficiencies. He talked about the deficiencies in the bill dealing with the MPAC system and the fact that this was kind of snuck through and not given the debate it deserved, and some wonderful recommendations from our Ombudsman were not taken to heart and acted upon. He talked about the deficiencies around the gas tax act and how ethanol, which is clearly a better substitute than traditional gasoline, is being taxed at the same rate. That's not very environmentally friendly. He talked about the new way of financing the Spadina line and how this might be open to abuse.

Finally, he made his most important point, I believe, and that is that one can complain about the federal activities all one wants, but at the end of the day, there's no question that this government is sitting on \$400 million that's earmarked for housing and they're not spending it. Is that an oversight? I don't think so. We've dealt with this in estimates. We've dealt with this in the House. They know they have \$400 million, they know it's earmarked for housing and they're not spending it on housing. Again, these are not just figures. These are lives. These are 122,000 households waiting for affordable housing. These are children. Many of them are single-mother-headed families who need this housing and need it now. And these are the lives of those homeless who die on our streets. That is your responsibility. That's not the federal government's responsibility; that's this Liberal majority government's responsibility. They could spend it if they wanted.

**Hon. Jim Watson (Minister of Health Promotion):** I'm very pleased to stand in support of Bill 151 for a number of reasons. I think Minister Sorbara really hit the nail on the head when he talked about the patently unfair treatment that we in Ontario—not the government of Ontario but the people of Ontario—are receiving from the federal government. We witnessed it locally in my community in Ottawa, where we have one federal minister who's meddling in municipal politics by threatening to withhold \$200 million in transit funding and cancellation of \$30 million for the expansion of the Ottawa Congress Centre, which is desperately needed in our community. As the Ottawa Citizen said just a few days ago, "Tory times are tough times for the city of Ottawa."

I think it's important that all members of the House remember the resolution that we passed unanimously in this Legislature last year, I believe it was, calling for fair treatment on the fiscal imbalance. It's important that we continue to remind our fellow citizens that the people in our ridings, in my case Ottawa West—Nepean, should not be treated differently than other Canadians. We're all equal in this country. So when an individual in the college system in the province of Quebec, for instance, receives \$112 more than a student at Algonquin College

does—and I was just with the president of Algonquin College, Bob Gillett, and la présidente de La Cité, Andrée Lortie. They too require additional dollars so that those young people can go and make positive contributions in our communities and throughout the world.

So we ask all opposition members to join with us in ensuring that the new Conservative government stands up for Ontario, and the Ontario caucus members stand up and make sure that their voices are heard to ensure we get our fair share.

**The Deputy Speaker:** The member for Beaches—East York, you have two minutes to respond.

**Mr. Prue:** I would like to thank the Minister of Intergovernmental Affairs, the member from York North, the member from Parkdale—High Park and the Minister of Health Promotion for their comments.

To start, it's true, Ontario needs fair treatment. No one is going to deny that. No one in this House is going to deny that. I don't want for a moment the statements that I made to be construed as not saying we need fair treatment. We need the same amount of money for our unemployed because it costs just as much to be unemployed in Ontario as it costs to be unemployed in Newfoundland or Nova Scotia.

**Hon. Mrs. Bountrogianni:** Actually, more.

**Mr. Prue:** And perhaps more. It costs just as much to go to school in this province as it costs to go anywhere else, and students need to have the same subsidies. It costs just as much for any of the other government programs that are funded, and Ontarians deserve their fair share.

What I do want to reiterate again is that I do not want this to end up in a jurisdictional dispute with name-calling. I do not want to see what I have unfortunately seen both in the press and in this Legislature over the last number of weeks and months: "Pick up the phone and call the Prime Minister"—as if that could possibly happen. I have no more probability of getting through to the Prime Minister's phone than an average citizen if I were to pick up the phone. I have to say I've never tried.

**Hon. Mr. Bradley:** Call Jack Layton.

**Mr. Prue:** I'm being told to call Jack Layton. I talk to lots of people, and there are people across this province, across all levels of government and in all parties who believe that Ontario needs a fairer shake. I do not want this, though, to degenerate into any kind of name-calling, which I have seen. I am asking, please, not to simply say, "Phone up and do this, do this and do that." I want this to be a mature dialogue between levels of government and that Ontario gets its fair share. That is what needs to be said, and said again and again. That is what Ontario deserves.

1740

**The Deputy Speaker:** Further debate?

**Mr. John Milloy (Kitchener Centre):** It's a pleasure to rise here tonight and speak in favour of Bill 151, the Budget Measures Act, which complements and I think builds upon many of the accomplishments of our government to date.



I wanted to speak a bit about the bill and some of these accomplishments, but I couldn't sit here all afternoon listening to some the speeches—especially the one from Simcoe North, where Mr. Dunlop decided to take a walk down memory lane and sing the praises of the Harris-Eves years—without some comments. I think it took a lot of gall for him to stand here in the Legislature and talk about some of the things that went on in the last election campaign and forget to tell us all about one of my favourites: the balanced budget myth. All of us may remember that the election took place on October 2, but I'd like to share with some people some of the quotes of the then leader of the Conservative Party, Premier Eves. On September 22, on CHRO, he said, "No, we will not be running a deficit this year." On Global TV on September 27, a few days before the election, he said, "We will balance this year." On September 30, on CKVR, again he said, "We will balance this year." Then, during the course of the leaders' debate, right in the thick of the campaign, he told the people of Ontario, he promised, "There won't be a deficit this year."

That is what the Conservative Party said; that's what the Conservative Party proclaimed. We got into power, and what did we find? We found a \$5.5-billion deficit. That has been the starting point for this government. What did we do? Instead of engaging in the orgy of cuts that they did—Mr. Dunlop went on about the great Harris years—what we did is invested wisely in terms of health care and in terms of education, and we did much to enhance the services of this province. For him to stand here today and not praise us, when the fact is we took a \$5.5-billion deficit and turned it into a surplus without the kinds of cuts they're talking about—if the member for Simcoe North wants to talk about broken promises, let's go back to Mr. Harris's time—

**The Deputy Speaker:** Member for Kitchener Centre, let's also keep in mind that we're debating Bill 151.

**Mr. Milloy:** As I said, I was just commenting upon some of the comments Mr. Dunlop spoke about.

Bill 151, of course, talks about the budgetary policies of this government. As I said, we came in facing a very large deficit and managed to make some very significant investments in terms of health care, in terms of education, in terms of infrastructure.

I think of my own riding and some the benefits we've seen in terms of health care. One of the greatest problems that we've faced as a community has been the doctor shortage, and one of my proudest moments as an MPP was several months ago when we announced the establishment of a satellite medical school that's going to be located in downtown Kitchener, a satellite to McMaster University. That's certainly something which is going to be bringing a whole swath of medical students and faculty into our area. Again, that's something that comes from the budgetary policy of this government.

I think of the investments that have been made in family health teams. Two family health teams in my community recently announced that they've taken in

1,500 orphaned patients—patients who did not previously have a doctor and who have come under them.

I think of education and what's been going on in my community. I've had a chance to visit every single school in my riding and discover the benefits of smaller class sizes in the early years. Forty-seven million dollars was recently announced out of the budget for repairs to our schools. We have more specialty teachers, especially in the areas of art and gym, and other specialty subjects which didn't exist in previous years.

We look at infrastructure. Mention was made earlier of gridlock. We've seen investment, certainly in my community, in highways. Many members will know that the area of Highway 401 that goes by Kitchener-Waterloo is currently undergoing major redevelopment, which has been brought about because of us keeping the promises and bringing forth what was outlined in the budget. Highway 8, the major thoroughfare that goes into Kitchener, is currently undergoing three-laning, and although it's causing a bit of gridlock right now, the result's going to be a three-lane highway and an ease in entering onto it.

One of the issues that came up with my friend Mr. Prue has to do with the fiscal imbalance. I just wanted to spend a minute or two on that. As members may know, I have the honour of serving as the parliamentary assistant to the Minister of Intergovernmental Affairs, who spoke a few minutes ago. I want to begin by praising both the Premier and the minister for the degree to which they've gone out and fought for fairness in Ontario. That's what it's about, and I think that what the Minister of Finance spoke about earlier today is simply that: fairness. What we've tried to do, as a government and as a party, is take it beyond partisanship. The Minister of Health Promotion mentioned a few minutes ago that we saw the passage of a resolution in this Legislature by all parties and by all members and which talked about this fairness. No one in Ontario is saying that we do not have a responsibility to other parts of the country. I think all of us recognize that there's an equalization program where funds are transferred to the have-not provinces. We in Ontario are committed to that program and, certainly, every year billions of dollars come from Ontario to support other provinces.

What we are talking about, and certainly it has been alluded to by a number of the members, is fairness when it comes to transfer programs. I don't see any reason why other provinces should receive funds for health transfers, funds for post-secondary education and other social programs on a per capita basis, and yet Ontario does not fully receive it. It totals \$86 per Ontarian, which, when you add it up, comes up to \$1.1 billion. When you look at some of the health demands on our system, when you see what's going on in post-secondary education, I think there's basically a fairness argument here. Why should Ontario not be receiving the same per capita funding? You end up in a ridiculous situation where we're, in fact, spending less. We're supposed to be the engine of Canada, the economic engine. We live in a world where post-secondary education, where first-class health care,



are an economic as well as a social advantage. We have a situation where we have other provinces that are able to spend more on those areas than Ontario, and in a sense we're subsidizing them.

The Minister of Intergovernmental Affairs and indeed the Premier have spoken about employment insurance. We live in a world which is seeing the labour market rapidly changing. The old days, where someone had a job where they were paying into EI and perhaps were unemployed for some reason and had to avail themselves of the old insurance programs, are gone. We now have a situation where we have new Canadians who are finding themselves unemployed and haven't worked the requisite number of hours. We have a situation where people might work through agencies and not be paying into the EI system. We have a changing workforce, and what we are saying is that we need to be treated with the same fairness as other parts of the country. If you go to the Maritimes in Canada, we have the development of an employment insurance system which has taken into account some of the transitional nature of some of our people in the fishing industry. So how come we have these policies which will take into account different labour market changes in the system but won't take into account what's happening in Ontario? Three thousand, six hundred and forty dollars per person: That's a lot of money that is lacking in Ontario.

Again, we are calling for fairness. We called for fairness when the Liberals were in power in Ottawa and we're certainly calling for fairness now, and we're calling on members of all sides of the House. I think the Premier reminded people on the weekend that all parties and all members, including some of those who are now in the federal House of Commons, in fact signed that deal.

I think we've been very proud to stand up for Ontario. We've seen the Premier and the minister across the province delivering the message. I've had a chance to speak to a number of chambers of commerce and business organizations and they've echoed that call that we do need that fairness, so I ask all members of the Legislature to join with us.

It comes to compare and contrast. When you're talking about the situation that we found ourselves in, we saw that we inherited a situation of a very large deficit, and what we decided to do was to go forward with key investments. At the same time, we brought forward the fiscal transparency act, which is going to mean that in future election situations—and we're facing one next year—we're going to be seeing the Auditor General come in and tell the people of this province the state of the books. All of us will be able to go into the election and put our policies up against what the Auditor General's findings were. I'm proud of the fact that the budget measures, some of which are contained in Bill 151, contain a blueprint for the future, and I think that when we go forward to the electorate, when we put our numbers up against what the Auditor General finds, we're going to find that that sort of accountability was there.

1750

Again, I stand here today to speak in favour of Bill 151.

Mr. Prue, and I say this with respect, decided to mock the bill as being overly technical. Well, budget bills do tend to be technical.

One of the things, though, that I would like to make mention of is that Bill 151 contains the enhanced property and sales tax credit for seniors. I know that all of us in our ridings are very preoccupied with seniors' issues. I've had the chance, over the summer months, to visit not only a number of long-term homes but also retirement residences and to meet with seniors' groups. They're finding that they have many concerns with public policy and issues coming forward, and one of them is about the amount of tax they pay. Under Bill 151, we're proposing to increase the income threshold for the enhanced property and sales tax credit for seniors who have a cohabiting spouse or common-law partner from \$22,250 to \$23,090, starting in 2006, to ensure that recent increases in the amount of old age security and the federal and Ontario guaranteed income supplements would not result in any reduction in the credits—so catching up there, for the benefit of seniors.

Another part of Bill 151 that hasn't been talked about today is the universal child care benefit. As members know, many Ontarians with young children will now qualify for the new federal universal child care benefit. Under the proposals in Bill 151, Ontarians would be able to keep the benefits they're entitled to receive under the Ontario property and sales tax credit and the Ontario child care supplement for working families; the UCCB would not affect that.

So there's some of the technical side of Bill 151, which, again, I think builds upon the successes that we've seen over the last three years and that we're going to see going forward.

Just in wrapping up, Mr. Speaker, and if you'll indulge me, going back to the member from Simcoe North—if he wants to have a walk down memory lane to the times of Mr. Harris and Mr. Eves, I'm quite prepared to put our record and the plan that we have for the future up against them any day. I think you're going to see a progressive budgetary policy continue that's going to be in the best interests of all Ontarians.

**The Deputy Speaker:** Questions and comments?

**Mr. Norm Miller (Parry Sound-Muskoka):** I'm pleased to add some comments to the speech by the member from Kitchener Centre.

He started off talking about some past history and budgeting and referring to the deficit that this government had in its first year when they were in power. He said it was \$5.5 billion. I might remind the member that in that year, the government—I sat on the estimates committee, where Gerry Phillips made a presentation, I think, in June 2003. He said at that point that he felt the government had a \$3.5-billion challenge facing it. Of course, that was the year of SARS and the blackout. But despite all that, the government went ahead and made an



election promise to not bring in any new taxes and to balance the budget.

When we look back at what has happened over the last few years, we see that the government has actually had far more revenue than they expected to have, but the problem is that their spending has been just right out of control. When you look back at the McGuinty government's own public accounts for 2006, they've had \$5.7 billion more in spending than the fiscal plan that they released during the election. When you look at revenue, they actually had \$2.7 billion more than they were counting on when they made their election promise not to raise taxes. But they went ahead and made that promise anyway and then still brought in the health tax, despite all the extra revenues. Spending is the problem, this government has just not controlled their spending, and their budgeting has been off every single year that they've been doing their budgeting.

**Ms. DiNovo:** I just wanted to comment as well on the comments of the honourable member from Kitchener Centre. He mentioned seniors. I would simply bring his attention to the fact that in my riding and in ridings across this province, seniors are in danger of losing their houses because of property taxes. In this bill, as Mr. Prue pointed out, that is not addressed. In fact, the policy of just putting the discussion on hold and not following through with the 22 recommendations of our Ombudsman continues in force.

He mentions child care and, again, this is a government that promised 10,000 child care spaces. Of course it's to laugh at that promise right now. It also promised \$150 million to \$300 million into child care and, again, this bill does nothing to address that.

Most profoundly, it does nothing to address the problem of the clawback of the national child supplement. That makes a huge difference to poor children in this province, and these are the poorest of the poor children. They're being clawed back at the rate of \$122 a month, to \$227 a month if there are two children. That's a significant amount of money for our poorest families, so this bill does nothing with that.

We've had about six months now to work with the budget and we've seen that the budget doesn't work, and it certainly doesn't work for the poorest of our families. So we approached this bill with great hope that it might correct some of the inadequacies of that budget. Instead, all it does is extend them.

Needless to say, there's nothing about the fact that on ODSP, \$1,459 is about what a family brings in, a mother with two children, which is more than a woman with two children working at minimum wage, who would only be making \$1,320—clearly a huge deficiency in this bill when dealing with the poorest of our working families.

**Mr. Levac:** Maybe what we want to do is make sure that we are clear on what the bill is proposing to do if accepted, and that is to exclude income received from underneath the federal universal child care benefit from eligibility calculations of the Ontario property tax credits, and from the Ontario child care supplement for working

families. If the two opposition parties are choosing to vote against it, they're voting against these types of things.

Let's be clear. They've both said that they're going to be voting against it, so they're not going to enhance the dividend paid to tax credits. So the Tories are going to have to explain to the people who do the investing in the province why they don't want that particular piece of legislation voted for. And enhance the effectiveness of the Canadian Public Accountability Board's oversight for auditing public companies which support public confidence in financial reporting—that's not going to be voted for. That means you're voting against that particular type of style.

If that is a problem for you, and then do what we said we were going to do, which we've done with almost every single bill in this place, to send it to committee to hear feedback from the people, to make sure they have an opportunity to voice that concern—I don't know why you're against this. You say you're against it now but that you might change your mind when it comes to committee. Why don't you say that you're for the bill and then see what other improvements you can make in the bill when you come to committee? Let's take a look at that record.

The questions I have: Who are the ones who caused the \$5.5-billion deficit? Who is the group of people that on a Friday of a long weekend proposed to subject long-term-care facilities, now homes, to a 15% increase? Who was that? Who had the secret contract that couldn't be obtained by the opposition until this became the government: the contract for the 407? Who did that? Who was it that spent \$600 million on consultants? Who started a war with the public service and the teachers? Who closed the OMAF regional offices—who was that?—and also cut the Ministry of Agriculture by \$100 million? I know that some people over there were against it but they didn't get a chance to say no. Let's just get this thing done so we can improve the—

**The Deputy Speaker:** Thank you. The member for Whitby–Ajax.

**Mrs. Christine Elliott (Whitby–Ajax):** I'm pleased to have the opportunity to speak just briefly on Bill 151, the Budget Measures Act. I'm certainly cognizant of the need to respond directly to the comments that were made by the member from Kitchener Centre, and I'm really more than happy to do that. The member spoke about the improvements in health care, education and infrastructure in his riding, and then talked about fairness, and compared and contrasted the need to compare the rights of Ontarians versus the rest of the people in Canada. I think we need to take a look at the rights of some Ontarians vis-à-vis other Ontarians. I can tell you that in my area of Ontario, in Durham region, we're not seeing those improvements in health care, infrastructure and education. In fact, we're seriously underfunded per capita in terms of health care dollars, and nothing has been done by this government to address it. Similarly with respect to infrastructure, there was nothing in this government's budget this year that dealt with our infrastructure prob-

lems. We're strangling in gridlock in Durham region, there's no economic growth as a result of it, yet nothing has been happening for us in Durham region. But don't we pay taxes just like everybody else in Ontario? That's the argument that we're hearing from the government members with respect to the issues vis-à-vis the federal government and—

**Mr. Murdoch:** There's no gridlock in St. Catharines.

**Mrs. Elliott:** That's right. There are certain parts of this province that are doing very well, and others are being completely ignored. And it's not just in my area of Durham region; there are communities in the north, aboriginal citizens, women and children, as the member for Parkdale–High Park has indicated—none of them are being helped by this government. I would suggest that what the members of this government need to do is—it's very hypocritical to say that the feds aren't treating them fairly when they're not treating all—

**The Deputy Speaker:** You might want to think about the word.

**Mrs. Elliott:** I'm going to withdraw.

**The Deputy Speaker:** Thank you.

**Mrs. Elliott:** Speaker, I'm sorry. "Disingenuous" would do. But I think it's important to point out that if you're looking at fairness for all Ontarians vis-à-vis the rest of Canada, you need to look at fairness for all Ontarians across the board. Members should consider those issues very seriously before they start continuing to pile the accusations onto the federal government.

**The Deputy Speaker:** The member for Kitchener Centre, you have two minutes to respond.

**Mr. Milloy:** I want to thank all my colleagues who spoke on my comments. To the member for Parkdale–High Park, she raised concerns about seniors, and I think my colleague from Brant spoke about some of the things in this bill in terms of seniors. At the same time, last Friday we saw an announcement of 30 million additional dollars for home care in this province, which builds upon the increases in home care that have taken place since we

came to power. At the same time, we've seen investments in long-term-care homes; we've seen reductions of wait times for key surgeries, which is a particular concern for seniors; we've seen investments in health facilities.

She also raised the issue of poverty among children, and I want to thank my colleague from Brant who spoke about the aspects of Bill 151 which deal with the universal child care supplement and in fact do address, in a small way, some of the concerns that she raised about children right in the bill and certainly concerns that we've addressed in other budgetary measures.

I want to save the last few seconds I have for what I heard from my friends across the way in the Conservative Party. First, I heard my friend from Parry Sound–Muskoka talk about how the big problem is that we spend too much over on this side of the House, and then I heard my friend from Whitby–Ajax say that the big problem is that we haven't spent enough over on this side of the House. I've got to tell you something: We came to power and we encountered a deficit—not only a deficit in terms of dollars, but a deficit in terms of health care and a deficit in terms of education, a deficit in terms of infrastructure. We've seen the investment of billions and billions of dollars. They say that we don't keep our promises? Well, our number one promise was to fix the services in this province.

They came to power, and I remember that Mr. Harris said he wasn't going to cut health care. Since we're taking a walk down memory lane, I have a press release, February 23, 1996: "Health Minister Jim Wilson announced today a new funding approach for hospitals. Beginning April 1, 1996"—

**The Deputy Speaker:** Thank you. It being past 6 of the clock, this House is adjourned until 6:45 of the clock.

*The House adjourned at 1804.*

*Evening meeting reported in volume B.*



# CONTENTS

Monday 30 October 2006

## MEMBERS' STATEMENTS

<b>Water quality</b>	
Mr. Dunlop .....	5833
<b>International plowing match</b>	
Mr. Leal .....	5833
<b>Hospital funding</b>	
Mr. Yakabuski .....	5833
<b>Child care</b>	
Ms. Horwath .....	5833
<b>Ontario Trillium Foundation</b>	
Mr. Arthurs .....	5834
<b>Federal-provincial co-operation</b>	
Ms. MacLeod .....	5834
<b>Occupational therapy</b>	
Mr. Brownell .....	5834
<b>Health care</b>	
Mr. McNeely .....	5835
<b>Hydro rates</b>	
Mr. Oraziotti .....	5835

## FIRST READINGS

<b>Fish and Wildlife Conservation Amendment Act (Double-Crested Cormorants), 2006, Bill 156, Mr. Parsons</b>	
Agreed to .....	5836
Mr. Parsons .....	5836

## MOTIONS

<b>House sittings</b>	
Mr. Bradley .....	5836
Agreed to .....	5836

## STATEMENTS BY THE MINISTRY AND RESPONSES

<b>Family medical leave</b>	
Mr. Peters .....	5836
Mr. Wilson .....	5837
Mr. Kormos .....	5838

## ORAL QUESTIONS

<b>Post-secondary education</b>	
Mr. Wilson .....	5838
Mr. Bentley .....	5839, 5844
Mrs. Sandals .....	5844
Ms. Matthews .....	5844
<b>Hospital services</b>	
Mrs. Witmer .....	5839
Mr. Smitherman .....	5839
<b>Hospital funding</b>	
Mr. Hampton .....	5840
Mr. Smitherman .....	5840

## Tuition

Mr. Hampton .....	5841
Mr. Bentley .....	5842

## Pharmacists

Mr. Yakabuski .....	5842
Mr. Smitherman .....	5843, 5843
Mr. Miller .....	5843

## Climate change

Mr. Tabuns .....	5843
Ms. Broten .....	5843

## Water and sewer infrastructure

Ms. Scott .....	5844
Ms. Broten .....	5844

## School facilities

Mr. Marchese .....	5845
Mr. Smitherman .....	5845

## Ontario economy

Mr. Brownell .....	5846
Mr. Sorbara .....	5846

## Fish and wildlife management

Mr. Miller .....	5846
Mr. Ramsay .....	5846

## Health care

Ms. Horwath .....	5847
Mr. Smitherman .....	5847

## Immigration policy

Mr. Duguid .....	5847
Mr. Colle .....	5848

## Gridlock

Mr. O'Toole .....	5848
Mrs. Cansfield .....	5848

## PETITIONS

<b>Long-term care</b>	
Mr. Tascona .....	5848
<b>Immigrants' skills</b>	
Mr. Berardinetti .....	5849
Mr. Zimmer .....	5850
<b>Prostate cancer</b>	
Mr. O'Toole .....	5849
<b>Fair access to professions</b>	
Mr. Ruprecht .....	5849
<b>Electricity supply</b>	
Mr. Miller .....	5850
<b>Tuition</b>	
Mr. Marchese .....	5850
Ms. DiNovo .....	5850
Mr. Prue .....	5851
<b>School facilities</b>	
Mr. Wilson .....	5850
<b>Identity theft</b>	
Mr. Ruprecht .....	5851
<b>Highway 417</b>	
Mr. Yakabuski .....	5851

## SECOND READINGS

### Budget Measures Act, 2006 (No. 2),

Bill 151, Mr. Sorbara	
Mr. Sorbara .....	5852
Mr. Arthurs .....	5853, 5856
Mr. Dunlop .....	5855, 5856, 5861
Ms. DiNovo .....	5855, 5860, 5869
5872	
Mr. Balkissoon .....	5855
Mr. Tascona .....	5856
Mr. Prue .....	5859, 5861, 5869
Mr. Rinaldi .....	5860
Mr. Murdoch .....	5860
Mrs. Bountrogianni .....	5868
Mrs. Munro .....	5868
Mr. Watson .....	5869
Mr. Milloy .....	5869, 5873
Mr. Miller .....	5871
Mr. Levac .....	5872
Mrs. Elliott .....	5872
Debate deemed adjourned .....	5873

## OTHER BUSINESS

### Visitors

Mr. Bartolucci .....	5836
Mr. Racco .....	5836

## TABLE DES MATIÈRES

Lundi 30 octobre 2006

### PREMIÈRE LECTURE

<b>Loi de 2006 modifiant la Loi sur la protection du poisson et de la faune (cormorans à aigrettes), projet de loi 156, M. Parsons</b>	
Adoptée .....	5836

### DEUXIÈME LECTURE

<b>Loi de 2006 sur les mesures budgétaires (n° 2), projet de loi 151, M. Sorbara</b>	
Débat présumé ajourné .....	5873

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13



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Honourable Michael A. Brown

Président  
L'honorable Michael A. Brown

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## LEGISLATIVE ASSEMBLY OF ONTARIO

Monday 30 October 2006

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

Lundi 30 octobre 2006

*The House met at 1845.*

### ORDERS OF THE DAY

#### MINISTRY OF GOVERNMENT SERVICES CONSUMER PROTECTION AND SERVICE MODERNIZATION ACT, 2006

#### LOI DE 2006 DU MINISTÈRE DES SERVICES GOUVERNEMENTAUX SUR LA MODERNISATION DES SERVICES ET DE LA PROTECTION DU CONSOMMATEUR

Resuming the debate adjourned on October 26, 2006, on the motion for second reading of Bill 152, An Act to modernize various Acts administered by or affecting the Ministry of Government Services / Projet de loi 152, Loi visant à moderniser diverses lois qui relèvent du ministère des Services gouvernementaux ou qui le touchent.

**The Acting Speaker (Mr. Michael Prue):** On the last occasion, the member for Niagara Centre had the floor. You may resume.

**Mr. Peter Kormos (Niagara Centre):** Thank you kindly, Speaker. It's so nice to see the government House leader, Jim Bradley, here, but then again, he really has no place else to go.

**Mr. Dave Levac (Brant):** Oh, come on. He's got a life.

**Mr. Kormos:** No, this is his life; this is his home; this is his avocation; this is his pastime; this is his free time. This chamber will be named after Jim Bradley at some point. It may well even be named after him before he dies. You've really made it when they name something after you before you die. That is, in and of itself, remarkable.

I haven't got a lot of time. We went through some of the parts of the bill last week and expressed the New Democratic Party's concern around basically the ineffectiveness in response to the date rape drug phenomenon in licensed establishments.

The perhaps irresponsible introduction of booze to bingo halls: It's just incredible that people are playing a game that has, in effect, an element of skill, where they have to pay attention. If you've watched seasoned bingo players, they are truly remarkable. I have great admiration for them, sitting there with—what?—10 cards, 15

cards, 20 cards. The dabber is just a-poppin'. It seems to me that adding booze to the equation is not going to enhance the performance of the game.

For the life of me, I am not aware of a single bingo player who—maybe a government member is going to stand up in the 10-minute responses and wave a letter, saying, "Here's a letter from a constituent, a bingo player, who says they want to get all snapped up while they're playing bingo."

**Mrs. Maria Van Bommel (Lambton-Kent-Middlesex):** "Snapped up"? We say "liquored up."

**Mr. Kormos:** Well, we say "liquored up," we say "snapped up" and we say a few other things too. I settled for "snapped up" just to keep it in the family-hour theme.

We just haven't got those requests. What the real issue is—look, what has happened is exactly what people like Jim Bradley, myself and other critics of casino gaming predicted back in the debate when the perhaps soon-to-be leader of the federal Liberal Party, Bob Rae, introduced casino gaming to the province of Ontario.

**Hon. Jim Watson (Minister of Health Promotion):** You voted for it.

**Mr. Kormos:** Oh, Mr. Watson, you'd better be careful. Mr. Watson, I suggest that you check the record and then you can stand up and apologize to me.

**Hon. Mr. Watson:** You voted for it. It was your government.

**Mr. Kormos:** No, no. Be careful, Mr. Watson.

*Interjection.*

**Mr. Kormos:** Mr. Bradley interjects.

You see, the critics of casino gaming said that, among other things, it was going to starve the small church bingos, the Lions Club with the television set—the 20-inch TV that you could raffle off. You couldn't raffle off a 20-inch TV now if your life depended on it. People just have incredibly high expectations, but service clubs all over Ontario, and especially in small-town Ontario, were providing a whole lot of good works with these raffles. The small-town bingos, as much entertainment and socializing as anything else, were raising a whole lot of money in a relatively inoffensive way before the advent of casino gaming.

The real issue is that bingo halls are suffering because of the casinos, and not just the casinos, because those are specific destinations—

**Hon. James J. Bradley (Minister of Tourism, minister responsible for seniors, Government House Leader):** Slots.



**Mr. Kormos:** —but the slots, the ubiquitous slots. While they might not be on every corner of every street in every city and town in the province of Ontario, they are pretty darned accessible. There isn't very much of Ontario where you can't, in relatively short order, get access to a slot machine, where, as you well know, there is no skill involved whatsoever, no mental exercise and no socializing.

1850

**Mr. Bill Murdoch (Bruce-Grey-Owen Sound):**  
You have to do that.

**Mr. Kormos:** You don't even have to pull a lever, Bill Murdoch. You just slide your credit card in there and the machine takes over.

New Democrats are far from convinced that booze in bingo halls is desirable or is being sought by Ontarians.

We have a strong interest in the new archives legislation and suggest that one of the most important commitments this government could make would be to ensure that the Ontario archives have a new home. There is a whole lot of great Ontario history at risk because of the inadequacy of the current accommodations for the Ontario archives. Of course, once that stuff is gone, it's gone forever. It's an incredibly valuable part of our legacy and incredibly important for people doing research down the road.

This bill is going to have to go to committee. I should mention our concern, as others have expressed already—whenever I see warrantless entries provided for in legislation, it causes me real concern. In the amendment to the Bailiffs Act: once again warrantless entries into premises, when there is absolutely no reason whatsoever to not require a peace officer or inspector acting as a peace officer to go before a justice of the peace, unless the government has no intention of appointing sufficient numbers of justices of the peace so that they're available to peace officers. The only reason I can think of for the government's effecting warrantless searches is either that it's forgotten about the Magna Carta or it recognizes and is acknowledging that there simply aren't going to be enough JPs in Ontario to ensure that there's access to them in the event that they need search warrants.

There is nothing in the Bailiffs Act that could be contemplated that constitutes such urgency that a warrantless entry should be provided for. I think it's very important that this Legislature, even at the provincial level, safeguard personal rights, individual rights. Unless there can be illustrated an obvious reason why you would want to deny the subject of a search judicial scrutiny of the process, I have no intention of supporting that.

Let's talk about the Land Titles Act amendments, because that is one of the areas which people are most interested in. In that respect, I think we should all be very grateful to Harold Levy, the Toronto Star journalist, for his excellent journal pieces on title theft, title fraud. There are no two ways about it; they provoked the government into moving on this, and that, in and of itself, is fine because it brought our attention to the issue. What

is remarkable, though, is that this has been lingering for a good chunk of time, and I'm going to talk to that.

I want especially to thank Bob Aaron, a lawyer who is also published on real estate matters in a Toronto paper, and Sidney Troister, a lawyer, an expert in property law, who were both helpful to me in terms of getting a handle on understanding the issues around the Land Titles Act, the problem and potential solutions. I also express gratitude to Alan Silverstein, who was of assistance to Mr. Tascona in the preparation by Mr. Tascona of his Bill 136 and who as well is a journalist and has written about these matters in the Toronto Sun. Not only have they raised the issues, but they also point out that there is, and ought to be, a debate around what the solution is to the problem. Bob Aaron specifically talks about the BC response as compared to the proposed Ontario response, which is also, by and large, the Tascona response. It's to nullify the impact of a forged or otherwise fraudulent document, not just in the first instance but in deferred instances as well. I know Mrs. Elliott, who understands this area of law far better than I do or ever will, could stand up and explain concepts like deferred indefeasibility versus immediate indefeasibility. When she speaks to this bill, I know that Ms. Elliott is going to present it to us in a way that everybody clearly and lucidly understands the distinction between those two concepts.

One of the interesting things is, when you look at the ruling—because everybody got their knickers in a knot when a Judge Herman released her ruling, and rightly so, on the Household Realty v. Chan decision. There was in fact a lot of public criticism of the judge for doing what she did. It was only after I read the ruling carefully, read the Land Titles Act carefully, read some of the judgments she referred to and relied upon and read and understood some of the commentaries by Bob Aaron and Alan Silverstein and commentary by Sidney Troister, that in my view the ruling, based on the law, while she certainly didn't have to necessarily rule this way, is a perfectly legitimate one. People shouldn't be mad at Judge Herman, by any stretch of the imagination.

What Judge Herman did was observe the conflict between two sections in the existing Land Titles Act. The current act provides that a fraudulent document is invalid "despite registration, fraudulent and void." But the act also talks about the effect of registration, and in section 155 talks about the impact of a fraudulent document being preceded by "subject to the provisions of this act." That's exactly what the judge did. She looked at the provisions of the act, specifically subsection 78(4), which says that once a document is registered, then it acquires full force and effect, if you will.

Judge Herman, I'm confident, didn't want to see any innocent victims lose title to their property, but felt that she had no choice because the Legislature, this body, drafted the act the way they drafted it. They included the phrase "subject to the provisions of this act" in section 155. It's my view that the amendment may have been as simple as eliminating or deleting that first part, "subject to the provisions of this act," in section 155, so that then,



in my view, a fraudulent document would be precisely that, registered or not.

I was also assisted by a paper prepared by Nancy Shepherd, which she did in the diploma in investigative and forensic accounting program at the University of Toronto, presented on June 20, 2005, to Professor Leonard Brooks. I'm grateful to Nancy Shepherd because she writes about the history of litigation that addresses this very issue and talks about litigation that goes back well before the Chan case, but the courts were signalling problems with the language in the act in 2003, in the year 2000, and the 2000 judgment *Durrani v. Augier* resulted from an incident of a forged loan agreement that occurred in 1995.

So this issue of immediate or deferred indefeasibility was being discussed for a significant period of time and, regrettably, a succession of governments didn't respond, to the point where we've got these horrible scenarios—a senior citizen who thought he owned a rental property, and again it's just disappeared, and the fact is that once the bill becomes effective and amends the law, that case wouldn't be able to happen. But the bill is not going to restore title to victims who have been defrauded of title to their property. It also is not going to provide easier, speedier, more effective, more meaningful access to the land titles assurance fund.

1900

People have to rely upon the record in the land titles office. The whole beauty about land titles is that you aren't required to do the 40-year searches in the registry office system, the land titles system, and there has been an effort to convert the whole province, along with computerized land titles descriptions and resurveying of huge chunks of parcels of property. It's designed to clean up a registry system that suffered at times because of the quality of the input, the quality of the material that was being put into it. People have to be able to rely upon the land titles system. Regrettably, nothing in this bill is going to impact on the registration of forged and otherwise fraudulent documents in the land titles system—in land titles offices, in registry offices.

I suspect that one of the Achilles heels in the system is the electronic registration. Think about it: In earlier careers, you have had to do property searches, haven't you, Speaker? You've had to try to track some assets of people and identify who owns a particular piece of property, for any number of reasons. You go to the registry office, look up the title and use the assessment number from city hall. And if not you, then certainly others in this chamber have worked with real estate transactions. I remember that as an articling student you did it because it was the grunt work, and it was a good experience. I remember going to the registry office in Lincoln county, Welland county, St. Catharines and Welland, respectively. Do you remember Art Jolley, Mr. Bradley?

**Hon. Mr. Bradley:** Certainly do.

**Mr. Kormos:** He was the land registrar in Niagara South, in Welland county. Art Jolley was just a delightful

guy; he really was. He knew that registry office like the back of his hand. Even as a teenager, I had some interest in law and was searching titles—I was 17 or 18 years old—and he was just delightful. In the lower right-hand drawer of his desk, Mr. Bradley, Art Jolley kept two tumblers and a bottle of refreshment. Do you remember that? The lower right-hand drawer. Art Jolley is dead now. He was just incredibly kind to me as a young person, both as a kid with an interest in law and as a young lawyer—and incredibly helpful. Art Jolley was one of those old-timers. As a matter of fact, he had been a member of the assembly—hadn't he?—from Niagara Falls, for the Conservatives, which might have been helpful in those days getting a job as a land registrar. Far be it for me to pass judgment on that. It's a different world now, Lord knows. Look how many people come to your constituency offices wanting you to help them get jobs. Those days are long gone, with the days of Ellis Morningstar.

*Interjection.*

**Mr. Kormos:** In Ellis's basement. Not Alice's Restaurant; Ellis's basement. I'm going to make sure Hansard gets that right.

*Interjection.*

**Mr. Kormos:** Well, no, Frank Sorrentino—I've just got to digress. Frank Sorrentino was Ellis's lieutenant, his capo. Frank Sorrentino was to Ellis Morningstar what Steve Pengelly was to Ernie Eves. He was the gatekeeper. People would line up on Saturday mornings. There were no constituency offices. Ellis lived down on Alberta Street in Welland. He was iconic.

As a matter of fact, just the other night I was at a Hungarian-Canadian event that honoured John Yaremko for his participation in and encouragement of governments of the day in bringing—I was there with Mike Colle—Hungarians as refugees. John Yaremko, who was born in Welland, was there, and we talked about Ellis Morningstar, because Yaremko was a lawyer, again, very fortunate at his age, as a Ukrainian, a Canadian immigrant kid, to be able to become a lawyer. He recalls helping Ellis with his correspondence from time to time here in the Legislature. People would line up in Ellis's basement, and he always left a bottle or a campaign contribution. It was just the way it was done. Ellis set the standard down in Welland—Thorold, a standard now maintained, that I've certainly aspired to, as a standard of constituency service. It's true. Ellis maybe spoke three times in the decades that he was here in this Legislature, but he was one heck of a constituency guy, and he did work hard—

*Interjection.*

**Mr. Kormos:** And let me call you sweetheart.

Art Jolley and the registry office: Art Jolley as a one-time Tory MPP—again, a delightful guy at the registry office—knew that office. He knew the lawyers, the law clerks, the law students. He knew the signature of every lawyer in town. He knew the signatures of all the notary public signers, of all the commissioners. The registry office staff, in days gone by, would literally physically



screen documents to make sure they were properly completed, to make sure that everything was in order. They wouldn't speak to the quality of the metes and bounds description; that wasn't their job.

I'm grateful to the staff of the minister, because they of course made themselves available for a briefing. I wanted to know how electronic registration worked. What happens? Do people scan the documents? We used to call them mortgages and deeds; they're charges and transfers now. I'm curious. I really don't know. Are these documents scanned and then sent electronically to the land titles office, to the electronic register? Uh-uh. I almost swallowed my bubblegum. It's akin to—if you do electronic filing of income taxes—where your accountant simply inputs the data—doesn't scan and deliver to Revenue Canada any of the documents or copies of the documents; merely puts in the data. In electronic registration, I learned, as a result of the deputy ADM's response in a reply back to me, there's no scrutiny of the documents themselves. That's nuts. It's unacceptable. The land registry system, the land titles office, the integrity of that office, of its documents, is far too important to be treated in such a casual way.

I asked the ministry staff—they weren't able to tell me; I'm sure they weren't because there are too many to know—how many of the suspected frauds were performed as a result of electronic registration, because I'll bet you dollars to doughnuts right here and now that the vast majority, perhaps all of them, were dealt with through electronic registration.

Is a fraud artist, is a con man, a grifter, going to show up in full view so that somebody can testify against him later in terms of saying that he's the guy with his fingerprints literally all over the documents? Is any scam artist going to go to the—Mr. Bradley, are they going to go to the registry office and put the documents in front of the clerk at the registry office and say, "I want this registered against title to this property"? I don't think so.

This bill does nothing to address the problem of fraudulent and forged and otherwise illegal documents being filed with the registry office. After this bill passes, somebody may not lose title but there will still be mortgage frauds coming out of your ying-yang. Well, it's true. There will still be lenders lending money, and it's easy to say, "Oh, it's just the big banks." I don't like the big banks either, but from time to time it's going to be somebody's elderly mother here who lends somebody \$40,000 or \$50,000, a lifetime of savings, on what she believes to be the most secure investment you can make—a mortgage, where there's property, there's security. Nothing in this bill, Mr. Bradley, restores the integrity of the land title system. Madame Meilleur, nothing in this bill restores the integrity of the land title system. That's the problem here, and that's what hasn't been addressed by the government in its response to Judge Herman's decision in Chan. I believe we need a thorough—quite frankly, I believe we've got to suspend all electronic registrations of documents. We need a complete review of the electronic registration, and I for one,

Mr. Bradley, would be pleased to have seen Mr. Marin rise to the occasion. The Ombudsman has got a turnaround time of 90 days—he promised that—on his investigation into the potential lack of integrity in Ontario Lottery and Gaming. In 90 days' time, he'll be available. The public auditor could well serve that role too—a thorough analysis of the electronic registration.

#### 1910

I appreciate what's been attempted in both Mr. Tascona's Bill 136 and in the government's bill about the prospect of better security for the people accessing the system in terms of barring people for abusing the electronic registration. That's inevitably going to be after the fact, isn't it? The problem is—again, this is where I'm grateful to Ms. Shepherd and the paper that she had done for Professor Brooks—that at the time of this paper, in 2005, the law society was conducting 72 investigations as to lawyers' conduct with respect to alleged mortgage fraud. Lawyers are participating either as dupes or as co-conspirators. That's the data. In 2005, 72 lawyers were being investigated by the Law Society of Upper Canada for alleged mortgage fraud. And you know how hard it is to get the law society to commence an investigation, don't you? Because you've tried to do it for constituents, haven't you? It's pretty darned frustrating. You've got to reach a pretty high standard before you get the law society moving. Perhaps rightly so, because you don't want to besmirch a professional's career unnecessarily. But sometimes it's a frustratingly high standard before we can get the law society moving.

There was a charge laid in Barrie. It's only a charge. I suppose I can't even refer to that, can I, Speaker? Because if the charge—well, the charge is before the courts. Be careful. What if some Liberal backbencher calls the Integrity Commissioner and says, "Oh, Kormos was talking about a case before the courts. Was he in breach of the Members' Integrity Act?" I don't know. In any event, it appears that lawyers have been involved. We know from news reports that lawyers have been involved in some of the current cases that are still outstanding in terms of restitution and compensation. So the concept of simply saying, "We're going to restrict who accesses the system or we're going to deny access to somebody who's defrauded the system"—well, of course you are. I say that part of the solution is to ensure that we have adequate staff persons in our registry offices, people who know the community, know the culture, know the players, understand their business. Those people were there before offices got consolidated, and there have been a few governments guilty of that process, haven't there? As a matter of fact, the federal Liberal leadership aspirant Bob Rae was one of the guys who shut down some registry offices. Do you remember that? And it was those local registry offices that could best deal with potential fraud in their midst. They knew the players. That part isn't—

#### *Interjection.*

**Mr. Kormos:** Madame Meilleur, you can't afford to maintain the integrity of the land titles system? We have



no choice but to maintain the integrity of the land titles system. People are losing—old immigrants working hard all their lives are having their property stolen from them. Don't tell me we can't afford to. We've got to. It's fundamental. It's so basic.

I think it's imperative that the public have access to land titles offices. These are public documents. Not only should the public be entitled to access a land titles office for the purpose of acquiring information for whatever reason they want, but people, of course, have to be entitled to do their own document filing, should they wish to do it, without the help of a lawyer, shouldn't they?

*Interjection.*

**Mr. Kormos:** Mr. Tascona questions, if we're going to allow people to get all drunk up while they're playing bingo, why don't we serve beer in the registry offices and lands titles offices? We can let title searchers and land conveyancers get all drunk up while they're doing property deals. Mr. Tascona here is an enlightened observer. I can't suggest that he's anything but forward-thinking.

Nothing in the bill protects us against forged or otherwise fraudulent documents being registered. That's my concern, and that's what the committee has to talk about. The failure of the government—I understand the government with its section because, of course, they're dealing with the Ramsay decision; am I correct, Madame Meilleur, in terms of subrogated rights? Although in that case, the court ruled that there had been, in effect, negligence on the part of the person who suffered the loss in terms of not performing an adequate search even at the land titles level. The Court of Appeal found that there were no funds to be paid out of the assurance fund, but also found that, had there been a payment due, the title insurer would have been entitled to that money by virtue of subrogated rights. This bill very specifically says there will be no subrogated rights. So property title insurers are first in line, and they have to pay out and they can't go back to the system, nor should they, because they're charging a premium.

One of my problems, though, is that the land title insurance companies aren't searching titles either. They don't deserve any sympathy. They're simply playing the odds. They're rolling the dice. They're charging back, like most insurance companies do—instead of doing cost containment and cost management and loss control, they're simply charging enough for the insurance; it's the Ford Pinto syndrome.

I really think that we've got to get these people actively involved in the committee process so there can be some serious questions asked. Why should we have a private, for-profit land titles insurance system if we have a land titles assurance fund that's funded by the taxpayer? I say, one or the other. We don't need a land titles assurance fund; just make it the law that everybody has to have private land titles insurance, just like everybody who drives a car has to have private insurance, or—do you one better—tell the private insurers to go pound salt

and let the land titles assurance fund charge an adequate fee on each transaction so that it can be the sole insurer.

I know Bob Rae rejects propositions like that, but then he's a Liberal. Bob was establishing his Liberal credentials many, many years ago. He displayed his Liberal credentials from the minute I first met him. But I say, why are we having the private sector in there at all? I know this will draw some interest from them and they'll be out at the committee hearings in response to this. Why not simply beef up the assurance fund, use that as the sole insurer and have total control over the process?

**The Acting Speaker:** Questions and comments?

**Mr. Khalil Ramal (London-Fanshawe):** As always, I like to listen to the member for Niagara Centre because he gives the debate some kinds of life examples and tries to engage many different people in this place. But I have a problem with the member: I don't agree with him most of the time because his view, for some reason, doesn't match my view. But in the end, I listen to him carefully, and I think he brings a different atmosphere to the House and to the people of Ontario. But listening to the member for Niagara Centre over the last three years, I think today he likes the bill in general. He doesn't agree with some technicalities, and hopefully that's why we have the committee.

When the bill goes to committee, we'll listen to many stakeholders, as we do in a regular time. I think the member will listen, like us, to many people who present to the committee. That's what we do in this House, that's what we do on this side of the House, because we believe in the democratic process. So hopefully, one will listen to many people, listen to their views, because, due to the democratic process, we can adjust some of the bill in order to suit the people of Ontario. Hopefully the member for Niagara Centre will agree with us in the end, which is unlikely, but demand we listen to the people of Ontario, and hopefully we can have a great bill to serve the people of this great province.

1920

**Mr. John O'Toole (Durham):** I always like to respond to the member for Niagara Centre because he brings a sense of insight as well as humour to the bill. This is a big bill, sort of an omnibus bill. It's hard, in the limited time I have—there are 53 statutes and, as such, it's a very complex and technical bill, dealing mostly with legal issues. I'm pleased to say that our member for Barrie-Simcoe-Bradford, in his opening remarks, did address some of the issues substantively, but I look forward, more importantly, to the member for Whitby-Ajax, who is also—I don't think she's still a practising lawyer; I think she's got it right by now. She is a lawyer, though, and knows of what she speaks.

There are two particular instances in the bill: the real estate fraud or the mortgage fraud. I think the member for Barrie-Simcoe-Bradford's bill is a bit more appropriate—and even the media has reported it's a more appropriate bill—to respond to this identity theft issue, as has been outlined by the member for Niagara Centre.



More importantly, it's just as simple a thing as a gift card. It's almost motherhood. I think everyone in the House would agree with not allowing expiry dates on gift cards. So this particular thing here—I wouldn't like to use a prop because the member for Barrie—Simcoe—Bradford—you get a free gift card at Shoppers Drug Mart—

**Mr. Joseph N. Tascona (Barrie—Simcoe—Bradford):** Ten bucks.

**Mr. O'Toole:** —as long as it doesn't expire, that it isn't time-dated.

**Mr. Tascona:** It does expire: December 31.

**Mr. O'Toole:** It expires December 31, but it's free. I always remind myself by saying that, really, nothing in life is free.

But if you look at the issue of the real estate fraud and then look at the integrity of the land registry system, the member for Niagara Centre is right: The integrity of that has been somewhat usurped by this title insurance issue, and I think, importantly, how do these things get registered on title without the human interaction component? I think there is due diligence required here, and I think public hearings will attempt to solve some of the technical issues that I can't agree with in such an omnibus bill before the House tonight.

**Ms. Andrea Horwath (Hamilton East):** I am pleased to have a few comments on the remarks by my colleague and friend from Niagara Centre, who is extremely diligent when he looks at the legislation the government brings forward and spends a great deal of time analyzing the implications of these kinds of bills, particularly these bills that are quite lengthy. It's a significantly lengthy bill, and I believe the member for Niagara Centre has highlighted a number of areas in which we as New Democrats have concern, not only in terms of the most recent remarks that he's made this evening around identity theft and mortgage fraud, because, of course, that's something that people don't even know is coming down the pike at them. The next thing they find out is that someone has literally stolen their property from underneath them simply because the system that exists does not protect people from that kind of fraudulent behaviour. So certainly this bill purports to address that, but I think the remarks from the member for Niagara Centre indicate quite clearly that it doesn't do enough to ensure that people do not still remain vulnerable to that kind of a situation, notwithstanding this bill that amends so many different statutes, including the ones around land registry and land titles.

However, there are also a number of other pieces to this bill. I'm looking forward to speaking to some of them this evening as well. We've heard about the issue of the expiry dates on gift cards. We've heard about issues of changes to the Liquor Licence Act that allow people to take drinks into different parts of their bars when they're having an evening out. We've heard about the issue around the extent to which this particular clause is supposed to be dealing with women's vulnerability, but in fact, women's vulnerability can much more effectively

be dealt with by education programs for men, particularly. I have many more issues to talk about a little later on.

**The Acting Speaker:** Before I recognize the member for Peterborough, it's a little noisy in the corner. I wonder if we could keep it down just a tad. Thank you.

**Mr. Jeff Leal (Peterborough):** Indeed, the member for Niagara Centre did a very insightful and interesting analysis of Bill 152, and I did appreciate the history he provided us about politics in the Welland—Thorold area. That was of some interest.

It's interesting: With regard to one section of the bill dealing with illegal Internet gaming, there was an article in the Saturday Toronto Star that the government of Great Britain and the individual cabinet minister who's responsible for gaming in Great Britain is proposing an international conference of some of the major Western democracies to bring seven countries together to look at the issue in a very serious fashion. The article did note what we are proposing here in Ontario. It looked at what Great Britain is doing in this area and also looked at the recent changes that have made by legislation in the United States Congress and Senate on this particular issue.

But I have heard a lot in my constituency office—it's interesting—on the issue of gift cards. A number of people have come in and talked about how they have acquired gift cards for family members during various celebrations in the calendar year and then found out that they've expired. They've paid \$50, \$75, \$100 for these cards, given them to a family member or friend and then found out that they have expired after a certain period of time, and don't have an unlimited shelf life. Many of those individuals are quite supportive of this part of the legislation.

The vice-president of education for the Ryerson Students' Union is certainly pleased with regard to the prospective provisions in this bill dealing with—

**The Acting Speaker:** Member for Peterborough, your time is long expired, okay?

The member for Niagara Centre has two minutes to respond.

**Mr. Kormos:** I got a letter in September of this year from a very dear, long-time friend of mine, a very senior lawyer in Ontario who has done some remarkable work: John Stephens. He wrote me:

"Dear Peter:

"A very long time ago when electronic registration was being instituted, we discussed the topic and I mentioned that some day someone would sell the First Canadian Place in New York by simply pushing a few buttons.

"It has become apparent that scam artists have fallen into new ways of abusing the system"—

*Interjection.*

**Mr. Kormos:** He did say that—hyperbolic at the time, but then, as not too many years passed, far truer than any of us wished.

I am saying that the government has serious problems with the land titles system. One of the big weaknesses,



one of the big flaws, one of the real weak links may well be, and probably is, the electronic registration. The real defence against fraud is to have real, live, trained, professional staff in our registry offices who handle the documents that are put before them, who look in the eye the people who are presenting the documents, who determine the accuracy of people's identities, using drivers' licences, passports and so on. This is common sense in the year 2006. That's how you protect homeowners, seniors, from becoming victims of grifters, of fraud artists. You don't do it by raising the penalty.

Why do crooks rob banks? Because that's where the money is. I mean, come on. No crooks intend, especially fraud artists, to get caught. It's fraud. They're sneaky. They conceal their identities. They pretend they're someone they are not. And with the electronic system, as I say, they don't leave behind any eyewitnesses; they don't leave behind any fingerprints.

I say that part of the solution—an important and essential part of the solution—is restaffing land titles registry offices and dealing promptly with the electronic registry system.

1930

**The Acting Speaker:** Further debate?

**Mr. Ramal:** As always, I have pleasure in standing up to speak on different issues. Today, I am honoured and privileged to speak in support of Bill 152, the consumer protection act, second reading.

I have been listening to many speakers in this House, and I was listening to the member for Niagara Centre for a while, as I mentioned earlier. He was just speaking about one element of the bill. Well, the bill contains many different elements to protect the consumers in the province of Ontario.

So many things happen on a daily basis. We, as a government, are elected to be entrusted to protect the people of this province. That's why we have to bring forward bills and regulations and rules to protect the people of this province. As my colleague Mr. O'Toole was saying a few minutes ago, I'm not a lawyer either. I don't understand the details of the law, because for some reason—

**Mr. Tascona:** You're a lawyer.

**Mr. Ramal:** I'm not a lawyer. I don't want to be a lawyer. I respect all the lawyers around this place.

For some reason, the law is written in a different language. It has special people to understand it and to deal with it: the lawyers. That's why we have specialties in our lives. That's why we have to, as a government, bring bills to make things simple for the consumers in the province of Ontario, to make it simple for the people who want to buy a house and also to make sure that when they buy their house, they'll be protected and not lose it for some reason, like because they didn't understand some element of the contract or because someone can forge their signature and take the house or the land from them. That's why this bill is coming: to make sure the property owner is protected from any fraud happening to them accident-

ally or because of an unsound law. That's why I wish the member from—

**Mr. Murdoch:** Somewhere.

**Mr. Ramal:** —from somewhere in northern Ontario will listen and, when he gets the chance, debate us and show us his opinions and ideas and come with us on the government side here and support the bill, because if he wants to support his constituents, he has to support this bill because this bill is important not just for the people of London but for every person who lives in the province of Ontario. That's why I'm speaking in support of this bill. There are so many elements to it. As a person who has lived in the province for quite some time—

*Interjections.*

**Mr. Ramal:** It's very important to us to protect the consumers. When you go buy a piece of equipment from an electronics shop, you want to make sure that piece of equipment is safe; not take it to your home and have it burn your house; not take it to your home and hurt you; not take it to your home and kill you. It's important to make sure everything's safe and that the consumers who live in the province of Ontario are protected.

Hopefully, all of the members of this House will understand the complexity of the issue and support the government, because it is a very important bill before us here.

It's also very important to talk about how, now, around the holiday season, many people like to buy gift cards for loved ones. They want to make sure that card has a long life and won't expire in a month or two or three, because they paid money for it and they expect that the store that sells them that card will honour the card for a long time, not being expired. Our job, as a government, is to make sure the consumer is being protected and is not being used or being taken advantage of. It's a very important element, too, to protect the people who want to buy something for someone but don't know their size or don't know what they want. They want to buy them a gift card and give them the chance and the liberty and the freedom to buy whatever they want. Some companies are using this need for their own advantage, which means they put an expiry date on the cards, which is not fair. They go to buy five or six months later and they discover the card has expired, which is not fair because the card equals money. That's why—

*Interjections.*

**The Acting Speaker:** Order, please.

**Mr. Ramal:** I believe the Conservatives don't like the bill because they know it's a very important bill for the people of Ontario—not all of them, of course. Some people just like to make noise because they don't like us to be on the right track. I think the people of this province like this bill, and that's why the Conservatives are trying to put some obstacles in our wheels to stop that bill.

I want to tell you that the people of Ontario are going to come out and support this bill, and when people come to the committee, they're going to come forward and support it, and also that the majority of this House, hopefully, will support it, and this bill will pass. Then we'll



see great results from that bill when it's passed, because the people will realize we're here, we're elected to represent them, we're elected to protect them.

I want to go back again to my main topic. When you lose your credit card, you don't want somebody to forge your name, use your card and lose your money. That's why we are here to protect them.

Another thing is gaming control. So many people use the Internet illegally to play games.

**Mr. Murdoch:** More gaming.

**Mr. Ramal:** The member opposite believes strongly that we shouldn't protect the people. We should leave it open, without any rules or regulations. That's why we are here: to protect the people of Ontario. That's why we're bringing in such an important bill to protect the people from many different fraud possibilities in the province of Ontario. That's why myself and my colleagues in this place understand the fundamental issue of protection. We understand that it's our duty as elected officials to protect the people of this province.

*Interjections.*

**The Acting Speaker:** Order, please.

**Mr. Ramal:** We see that—

**The Acting Speaker:** The member from Bruce—Grey—Owen Sound may be humorous, but I think he's carrying it a little bit too far. If you would allow the member to speak, I'm sure you'd appreciate what he has to say.

Member from London—Fanshawe.

**Mr. Ramal:** Thank you, Mr. Speaker. I guess the opposition doesn't want to listen because they don't care about the province of Ontario. They don't care about the people of Ontario. If they cared, they'd stand up in their place and support the bill.

*Interjections.*

**Mr. Ramal:** They would support the bill because it's important to them, like it's important to us. It's the same thing. But it seems they don't care. That's why they're making fun and they're laughing. They don't know the important elements of the bill, if this bill passes.

As I mentioned, I'm not a lawyer like my friend opposite, but the issue is not about understanding the details of the law; the issue is how to utilize the law to protect people around you. It's important to us to continue bringing forward many different bills to make sure protection is in place, to make sure all the elements which we are missing in the province are being looked after.

I listened carefully to the member from Niagara Centre when he was speaking. I was enjoying his speech, but I don't agree with him because he didn't tackle the issue all the way because he always brings negativities to his opinions and he thinks that whatever we do is not correct and that whatever he does is correct. It's the same thing with the other side, because the other side, especially the Conservative side, thinks that whatever we do is irrelevant and whatever we do is not important for the people of this province. We were governed by them for eight years and we know what happened in education, health care and the infrastructure. It's our turn to govern

and to show the people of this province how many positive results we can implement. The election is not far away from us: almost less than one year. Then the people are going to come out and support us or not support us. We'll see. We'll leave it to the democratic process—

*Interjection.*

**Mr. Ramal:** That's why we believe in the democratic process. That's why we ask the people. That's why this bill, when it goes to committee—they're going to give us their advice. That's what we do on a regular basis. We don't bring in a bill and just shovel it on the people of Ontario, which is exactly what the—

*Interjections.*

**Mr. Ramal:** —without any debate, without going to committee. They forced it. We don't force anything. We ask the people. We consult the people. That's why we are here on this side and they are on the other side.

*Interjections.*

**The Acting Speaker:** Order, please. Member from Niagara Centre, order, please.

*Interjection.*

**The Acting Speaker:** The member from Renfrew—Nipissing—Pembroke, order, please.

**Mr. Ramal:** We should, because when they have no leader, I guess they are not in order, not in control.

Anyway, thank you for allowing me to speak in support of this bill. I'm here just to listen to other people. Hopefully they'll bring something insightful and interesting—not to me but to all the people in the province of Ontario.

1940

**The Acting Speaker:** Questions and comments?

**Mrs. Christine Elliott (Whitby—Ajax):** Thank you for the opportunity to join the debate on Bill 152, An Act to modernize various Acts administered by or affecting the Ministry of Government Services. I think there are a lot of things that are covered by this bill. It's an omnibus bill. It's something that we've recently gone through with respect to Bill 14, the so-called access to justice bill, which, as the member from Niagara Centre will probably agree, was a very complex piece of legislation and dealt with some very serious issues, but it was intermixed with some other matters. I don't think a fair hearing was necessarily given to all the issues addressed by Bill 14, nor do I think that the issues are going to be addressed with respect to Bill 152, encompassing as it does some 53 different statutes.

This was before my time, but I know that the members on the other side used to rail against the previous Conservative government, saying that there were too many things that were covered in an omnibus bill. It didn't give adequate time to address clearly all of the issues that were contained in the legislation. So I would certainly urge government members to not deal with things in an omnibus form in this fashion, especially a matter as important as identity theft, title theft and mortgage fraud, because this is a very serious issue affecting the people of Ontario. It affects the most significant asset that most



people in this province will ever own. It is an issue of concern and it needs to be given serious consideration.

**Ms. Horwath:** I want to, first of all, congratulate the member from London–Fanshawe for the valiant way he got through his speech, notwithstanding the participatory manner in which the other members listened to what he had to say. Notwithstanding the fact that it's the member's job to promote and speak well and highly of government bills, I think that people who are watching tonight will hear from opposition members that there are some concerns and some issues that this bill raises that need due consideration. That due consideration, of course, comes in this format, with members debating second reading of the bill, but also comes in a more concentrated, a more specific format in the committee process. I'm hearing from both my critic, the member from Niagara Centre, as well as critics from the Conservative caucus that in fact this bill needs to go through that process.

As others have said, it is a significant bill in terms of the number of statutes that it amends. Although there might not be a problem with every single clause in the bill, neither is it fair to say that this entire bill, some 180 or 190 pages or so, is without flaw.

I look forward to the opportunity to raise a few specific issues that I discovered when reading through the bill. Like any other bill, oftentimes you read through the explanatory notes to see what areas are of specific interest to you. We certainly have briefing notes that come as well. But as you read the clauses that relate to the issues raised in explanatory notes, you find really interesting little things. From my perspective, I have some that I need to raise because they're significantly important, even though they look minor in the explanatory notes.

**Mr. Tony Ruprecht (Davenport):** This bill, the proposed consumer protection and service modernization act, is good legislation, and obviously we will do whatever we can to make sure it passes.

Let me simply say this. I was sitting in my office the other day, and in comes a person whose parents are Italian. He says to me, "Mr. Ruprecht, did you know that our house was sold twice in the last 18 months?" Twice. This is in the city of Toronto. It's amazing that identity theft in terms of mortgage fraud—you can actually lose your property by someone falsifying a name and giving a false affidavit.

Of course, I congratulate you that you have indicated that it's very important and are taking very seriously that this matter comes not only to light but that there's something to be done about it almost immediately.

But let me simply say this. When I wrote to the RCMP and I asked the RCMP—yes, it's true that there were 2,100 files stolen from Equifax two years ago. I said to the RCMP, "What is the issue here in terms of a follow-up?" They had indicated to me, two years later, "We're overwhelmed by identity theft because it is the biggest and a growing crime. It's a cybercrime, and we are overwhelmed and simply can't handle it." That's the answer:

The RCMP is simply overwhelmed. Identity theft is really a crime that affects each one of us. It costs us billions of dollars in terms of our economy every year. The Minister of Government Services is here today, and I'm glad that he is. He knows that unless we act immediately, as we are, we're leaving thousands of consumers without any protection.

**Mr. Tascona:** I certainly appreciate the comments from the member from London–Fanshawe and especially the remarks from the member from Davenport, who's always well spoken on these particular matters. But it is important that the Minister of Government Services take a much more thorough approach with respect to real estate fraud, because his bill, Bill 152, does not deal with the issues that need to be dealt with. I think that was pointed out very candidly this weekend by Bob Aaron in his article in the *Toronto Star*. Harold Levy reported another unbelievable fraud case in the *Toronto Star*. Alan Silverstein, who was very helpful to me in drafting the Restore the Deed Act under Bill 136, provided a very candid and pointed comparison. Quite frankly, Bill 152, with respect to real estate fraud, just doesn't stand up to the test of protecting people. I think the member from Davenport knows that. I would hope, being a senior member of the Liberal caucus, that he would be urging the Minister of Government Services to bring in amendments to make the bill more relevant to people who are affected by mortgage fraud and identity theft, because this certainly isn't happening.

Also, I want to comment on different aspects of the bill. The liquor licensing provisions that have been brought in with respect to dealing with date rape drugs make it optional for bar owners to do these things. The Liberals came out and basically said, "We're going to deal with date rape drugs, and we're going to make it more safe for women in bars." Then you get the bill, and it says it's optional. Smoking is mandatory; they can't do that in the bars. Why wouldn't they make this mandatory in terms of dealing with what the Minister of Government Services spoke about the other day? He said it was a significant problem. If it's so significant, why is it optional?

**The Acting Speaker:** The member from London–Fanshawe.

**Mr. Ramal:** I want to thank the member from Whitby–Ajax, the member from Hamilton East, the member from Davenport and the member from Barrie–Simcoe–Bradford for speaking and commenting on my speech. I know I didn't get the chance with a quiet environment, but anyway, I said what I was supposed to say.

I want to tell all the members who spoke and responded to my speech that that's why we do business in this place by bringing bills forward and then bringing the bill to committee and listening to stakeholders, listening to the opposition. Then we take the stakeholders' opinions into consideration and make an amendment to the bill. We never said this bill is complete and perfect. That's why we are debating this bill in this place; we're giving people a chance to speak, for and against, and we're



listening. I hope—and I have great confidence in our government, our minister and our caucus—we'll make the amendments needed to make this bill a great bill to serve many people and make sure this bill speaks to all the elements which we are looking forward to protecting in the province of Ontario.

As I mentioned, this is a great bill, and hopefully this bill will see the light and pass and the people of Ontario will benefit from it. As I mentioned, I'm not a lawyer. I have great confidence in the many lawyers in this province to bring whatever is necessary to make sure that people in this province are protected and make the language very simple and very accessible, very readable to many people who do not understand the law.

In the end, I hope all the members of the House will support the bill and the bill will see the light, and then the people of Ontario will see the benefit of this bill.

1950

**The Acting Speaker:** Further debate?

**Mrs. Elliott:** I am pleased to join this debate on Bill 152, but, as I noted a few minutes earlier, this is an omnibus bill that deals with 53 existing pieces of legislation. It is very difficult, not so much for those of us in the House to deal with, but difficult for members of the public who are trying to understand exactly what it means, because it is dealing with many disparate types of legislation. It's hard, I think, in some cases, for members of the public to see what the focus is actually on.

In fact, this is certainly something that the government members criticized the previous government for with respect to dealing with so many issues in an omnibus bill. The Premier said in this Legislature on December 20, 1999, with respect to the Fewer Municipal Politicians Act:

"I can tell you that even before the bill was introduced we asked the government not to introduce a bill in an omnibus form. We said that if there were ... four separate sets of recommendations affecting four separate and distinct communities, then surely, logically and in fairness there ought to be four separate pieces of legislation."

Similarly, the Minister of Government Services said in this Legislature on November 7, 2002, with respect to the Keeping the Promise for a Strong Economy Act (Budget Measures):

"As previous members have said, this is an extremely complex bill. It amends 27 different acts and creates two new acts. We're truly dealing with an omnibus bill. I happen to think it's inappropriate to do this, but the government can do whatever it wants, and I think that's unfortunate."

I would agree that it is unfortunate that we are having to deal with such disparate legislation in this House, but there we have it. We have what we have, and I would propose to deal with several of what I would see as the more important aspects of this legislation. I won't deal with all 52 amendments because we'd be here all night and I only have 20 minutes. In any event, there are several major areas that I would like to address.

First of all, the amendment that deals with the date rape drug and the concerns that many young women have about leaving their drinks unattended while they go to the washroom while they're in a bar or club: The amendment will allow a woman to take her drink into the washroom with her. I'm certainly long past going to clubs myself, so I don't have any direct personal experience, but I have spoken to several young women about exactly how this would work and whether they see it as being a very good idea or not. They've told me they do in fact have a significant concern about their drinks being spiked while they're in the washroom and that there should be a protected area where their drinks can be placed.

In response to this significant concern, what has the government done? It has made it optional for bar owners to decide whether they want to designate the washroom areas as areas that can be licensed. I would submit that that's not any kind of solution to the problem, and it seems to be somewhat of a half-hearted effort to deal with it. The question is whether the government is interested in protecting women's rights or not. If they really want to protect women, they should change this legislation to require bar owners to comply, and not just simply make it optional.

Secondly, the amendments that will allow liquor in bingo halls: You have to wonder why. Maybe some of the members on the other side have heard, but I certainly haven't heard any great hue and cry from people who attend bingo halls frequently that they want to drink alcohol while they're playing bingo. We've certainly heard a lot in the past from people about smoking and the fact they are not allowed to smoke anymore, but that's another piece of legislation, and that's done. But why introduce alcohol? It's been suggested that this is a money- or revenue-driven idea, that somehow if you allow liquor to be served in the bingo halls you'll attract a different audience, maybe an audience that you would have lost because of not being allowed to smoke. But it doesn't really make any sense to me. I can't really suppose why this has been introduced, other than to say that I rather suspect that this is going to create a lot more problems than it's going to solve and not really be worth the effort at the end of the day.

The amendments to the Consumer Protection Act that prohibit anyone from advertising an Internet site that operates an Internet gambling business contrary to the Criminal Code: We've been told that this measure has been introduced and that the goal of these amendments is to prevent youth from gambling online, but the statistics show another story. A study that was done at the government's request in March 2005 revealed that fewer than 1% of gamblers refer to Internet gambling and wagering as the major source of their gambling problems. Secondly, as with many issues involving the Internet, how do you enforce this type of legislation? There's no point in bringing it forward if there's no reasonable way in which to enforce it. So, is all of this just a waste of time, a sort of pro forma exercise? I'm not the one to answer that question, but I hope the government mem-



bers are going to be able to answer it. I think it's incumbent on them to explain to the taxpayers of Ontario how they're going to be able to enforce this and exactly why they're bringing this measure forward.

Finally, I would like to spend a little bit of time speaking about the amendments to the Land Registration Reform Act and the Land Titles Act to deal with issues of title theft and mortgage fraud. This is an issue that I am relatively familiar with, having been, in a former life, prior to coming to this Legislature, a lawyer who dealt with real estate in my practice. I can certainly tell you that the practice of real estate law in this province has changed tremendously in the last five years or so as we've moved from a paper-based registration system to the electronic document registration system.

It used to be, as the member from Niagara Centre indicated, when we were younger and working as junior lawyers in law firms, that one of the jobs we had to do, particularly at the end of the month when most of the real estate transactions were closing, was to attend at the registry office and stand in line with the documents, the signed deed, the signed mortgage and whatever other documents we had to register and tender them at the registration desk, and it was then that, whether you were registering under the land title system, which guaranteed or certified your title or you registered under the registry system where it was just the integrity of the documents themselves that people relied upon—whatever it was, there was a scrutiny both by the lawyer who was preparing the documents, as well as the staff behind the counter, to make sure the documents were accurate and properly signed.

Now the situation has changed completely with the introduction of electronic document registration. For any people who have been to land registration offices recently, what you will find is a huge change. What formerly occupied most of the ground level of the building in my riding of Whitby–Ajax has been reduced to a couple of small rooms. The reason for that is that the paper is no longer filed. None of the documents ever arrive at the registry office. It's up to the lawyer who is acting on the transaction to have the actual documents signed in their office, and then they keep the paper record of the transaction, the electronic information is simply transmitted, and that's what's recorded.

So, if you were to attend at the land registry office, you would be able to electronically view the documents for a fee, but you wouldn't be able to see the actual deed that was signed or the mortgage that was signed, because it simply isn't there anymore. All of the big, 20-pound abstracts of title that we used to see when registering documents at the land registry office are no longer there. To me, that's a big change since I started practising many years ago now. There certainly used to be a comfort level in knowing that you could go to the registry office and actually see the document that was being registered.

Now what we have is an onus that's been shifted onto the lawyers in the transaction, frankly, to verify identity. If someone is placing mortgage on title to a property,

they come to see the lawyer to sign the documents and bring in their money for a transaction, what happens is that the lawyer is still required, even if you've known the person for 25 years, to get several pieces of identification from them, including photo ID and then to take photocopies of that and send it to the mortgage company. The documents are then signed, and you electronically register the documents on their behalf.

A lot has been said about lawyers and lawyers not checking things properly and lawyers being complicit in some cases with the registration of fraudulent documents. That may well be the case for a very small percentage of lawyers, but I can tell you that what happens is, with the increasing sophistication in fake ID that's being presented now, lawyers are not trained to be specialists in the veracity of identity presented to them. If someone comes to you and they have photo ID, a driver's licence and valid credit cards and you don't have any other suspicions about it, then in all fairness, I think lawyers are entitled to rely on that and proceed with the transaction.

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The law society has been very proactive, and I and my staff have attended numerous seminars on how to detect identity theft and how to deal with it. There are certain red flags that come up when you're dealing with certain transactions that you may have some suspicion about: things like if the people want to have the transaction done within a week; they're not placing a mortgage on the title but then later on they go and arrange a mortgage somewhere else, a fraudulent mortgage. There are certain warning signs that present themselves that you do really need to be aware of. I think the law society is doing quite a good job in terms of trying to educate lawyers and, more particularly, their staff about how to detect the warning signs. The staff, after all, are the ones who are on the front line. They're the ones who are dealing with the clients every day and they're the ones who, at the first instance, have the opportunity to notice something amiss and raise it with the lawyer to be followed up.

We certainly have had a few instances of that, even in my riding of Whitby–Ajax. A lot of people tend to think that this type of activity is taking place only in Toronto, in the larger centres, but in actual fact it is happening in my riding and I hear anecdotal evidence from others that it's happening in all parts of the province. So it is something that I'm glad is being brought forward and that there is an attempt to deal with it, but I would submit that there are other issues that need to be addressed with respect to the whole issue around identity theft and mortgage fraud that Bill 152 does not speak to.

I would like to refer to Bill 136, which is the private member's bill that was brought forward by my colleague the member from Barrie–Simcoe–Bradford, who introduced Bill 136 as a private member's bill in this Legislature on September 25, 2006. This bill, which is known as the Restore the Deed Act, was brought forward by my colleague in response to the need that he saw out there that wasn't being addressed, in his view, quickly enough



by the government. It has received both first and second reading, as the members of this House would know, and has been referred to the standing committee on general government.

I'd like to speak to just a few aspects of Bill 136 and compare it to Bill 152 to demonstrate, in my view, how comprehensive Bill 136 is in its scope. I would certainly urge the government members to consider that as we move forward with this legislation.

Bill 136 limits access of the users of the electronic registration system and essentially limits it to real estate professionals: lawyers, real estate agents and other people who work in the business. Bill 152 doesn't address that issue, doesn't limit the categories of people who are allowed access to the electronic registration system. It does have some penalties for those who have been perhaps using the system improperly, but that only happens after the fact, after a fraud has been perpetrated or there's a suspicion that a fraud has been perpetrated.

I would submit that it would be better to be proactive and to limit the registrations in the first place so that we don't have these categories of scam artists who aren't needing to withstand the scrutiny of the real estate professionals in the land registration systems in order to register documents. I think this would go a long way to reducing some of the frauds that we're seeing out there.

Secondly, Bill 136 requires the land registrar to send a notice to the former owner when a new deed is registered or to the current owner when a new mortgage is being registered. This sending of a notice to the current or former owners is optional under this bill, and I would certainly urge the minister to consider making it mandatory because it allows notice to be given very quickly to those people who may be affected by a fraud and certainly stops that line. If you have one fraudulent transaction, then other transactions that happen thereafter—this at least will stop it quickly so that the existing owner can raise the warning flags. After all, in many instances, if a fraud has been perpetrated on an owner of a property, if a mortgage has been registered on the title, unless the mortgage goes—well, it will necessarily go into default, and they'll hear from the bank that they're going to sell the property under power-of-sale provisions. Often, that's the first warning that the registered owner has of an issue at all with respect to their property. In my view, the notice would be a very helpful provision to have.

In addition, Bill 136 provides absolutely that any fraudulent instrument is null and void, so that if there are any instruments that are registered subsequently, they will equally be null and void. This stands on the principle that the first registered owner will ultimately retain their title no matter what happens subsequently. It's a policy choice of sorts in the sense that the first person is always protected. The original owner is always going to be able to retain their title. That doesn't mean, however, that if an innocent purchaser buys a property from someone as a result of a fraud—if someone impersonates, using false identification, who the real owner is—it doesn't mean that the innocent party is left without any recourse. Under

Bill 136, they would then be able to apply under the land titles assurance fund in order to be compensated for loss. They wouldn't be able to keep the title to the property, but at least there would be some financial compensation to them to allow them to cover their loss, and they wouldn't be forced to resort to the courts in order to do that.

Some people have asked how the land titles assurance fund could possibly withstand that kind of scrutiny and the numbers of people who might want to apply to it, given that, in many instances, the loss that some of these innocent purchasers have sustained goes into the hundreds of thousands of dollars. The answer to that is that if all of the safety mechanisms in Bill 136 are built into the system, then there should be very limited circumstances under which this should happen, so that the number of claims that are made to the assurance fund would be minimal.

In contrast to this, however, Bill 152 takes a different position: It doesn't absolutely protect the title of the original owner of the property. Section 78 of the act provides that "a fraudulent instrument will not have any effect on the title register. Instruments registered subsequent to a fraudulent instrument are deemed to be effective." This is a pretty confusing provision to me, and I think it probably would be to most Ontarians. How could it be that, if a first mortgage or a first instrument is fraudulent, a second one is effective?

As you may have heard from the member from Niagara Centre, there is a discussion about immediate indefeasibility and deferred indefeasibility, and this is pretty much a lawyer's argument. Suffice it to say, it can result in a fraudulent transaction where a fraudulent vendor sells a property to an innocent purchaser and the innocent purchaser then passes title along to a subsequent purchaser. Even though Bill 152 would say that the first transaction is void, it would uphold the second transaction so that the original owner would be defeated of their title.

That's the short answer, and I think that is not something that most Ontarians would want to see happen. I think most people would like to see the original owner keep their property but that innocent parties can still be compensated.

This is something that has been commented upon. The comments made by a number of commentators in the media have noted—I would just like to quote from an article written by Bob Aaron which appeared in the *Toronto Star* on October 28, who said:

"Bill 152 is the first baby step in addressing only one problem of title fraud, but it creates more problems than it fixes.

"We still have a long way to go, and I worry that the title fraud dilemma will get much worse before it gets any better."

I would submit that while Bill 152 is attempting to deal with the situation, I would urge the minister to take these comments into consideration so that we can create a statute that will protect all Ontarians from this very sig-



nificant issue that's troubling many people in this province.

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**The Acting Speaker:** Questions and comments?

**Ms. Horwath:** I was very impressed by the analysis of the member from Whitby–Ajax, particularly in the last several minutes of her speech, when she was describing quite carefully the previous process in terms of what people need to do to transfer property, to have documents acknowledged, recognized and registered at the registry office, the complications that have arisen since the introduction of electronic registration, and the problems the member sees from her perspective as someone active in the field of law who has, in the past, dealt with these kinds of transactions over a significant history of serving the public as a lawyer. I think that, really, what the member is bringing to the table is not dissimilar from what other members have brought to the table, and that is the fact that this bill can be amended to undertake the kinds of processes that we would rather see so that it's not just a baby step, as the member for Whitby–Ajax was quoting from the Toronto Star article, so that this bill goes further than it is in its current form and then is amended at the committee process—and we would all, I think, be interested in seeing this bill go to committee—so that in fact it's a giant step for the protection of people who are vulnerable to identity theft and mortgage fraud. It's the very least we can do. If we're going to take steps through this Legislature to address problems that have been identified, then at the very least we should address them to the most full that we possibly can. I look towards the government in the committee process to take these comments under advisement.

I congratulate the member for bringing some very appropriate comments to the table and I look forward to the amendments going through committee and having a bill that's much cleaned up from what we see today.

**Mr. Ruprecht:** The member for Whitby–Ajax makes an interesting point which really taught me something. I always assumed that under the land titles assurance fund, the innocent party was being compensated and therefore being protected. So once it gets before committee, obviously some of these changes will be made; I would hope so as well.

I want to make one other point here, and that is that when I talked to the RCMP and when they were indicating that they were being overwhelmed by identity theft and cyberfraud, I want to tell the House that they said to me that there are six existing sites they have identified presently that are swapping fraudulent information. In other words, they're swapping credit card numbers, they're buying and selling birth dates and they're buying and selling social insurance numbers. These sites have been identified, and by now—this was about two or three months ago when I talked to them—there may be more sites. The consumer should know that it is of the utmost importance that credit card and all private information be protected.

I have stood in this House and said many times that even banking information going between one bank and one credit company—that private information, that sensitive information—should be truncated, it should be masked out so that it doesn't go back and forth between banks, between credit card companies and between other stakeholders. It's important that we come to grips with some of these important issues today. If we don't, we are leaving the consumer unprotected.

I know that the Minister of Government Services, who is here listening very intently to this discussion, will certainly look at all the details and will certainly try his best to protect the consumer with this legislation.

**Mrs. Julia Munro (York North):** I'm pleased to offer a few comments to our discussion this evening. First of all, I would like to congratulate the member for Whitby–Ajax in providing such a thoughtful analysis of the various parts of a rather large omnibus bill. I think that if we were to look at some of these and what they have in common, the whole notion of Internet gaming as well as the technology behind the ability to provide real estate fraud speak to the increasing necessity of government to be able to match, in a legislative way, the components of safety for individuals. In that regard, these two particular parts of the bill are attempting to do that.

However, it seems to me that in both cases there is more to be done. When you look at the details, the contrast between Bill 136 and Bill 152, it seems to me that Bill 136 provides a stronger opportunity to protect the consumer. In these cases, as well as other parts of this bill, we need to look at very thoughtful public hearings to be able to provide us with the best advice on consumer protection.

The date rape drug issue is another one of consumer protection that I think requires some strengthening. We have to look at all of these various aspects of protection and the ways to address them.

**Mr. Kormos:** I enjoyed and appreciated the comments of the member for Whitby–Ajax, Ms. Elliott. She's going to play a valuable role on the committee, and I'm looking forward to the committee work with her and other members. That, of course, takes us to this point: There is undoubtedly going to be some genuine, very legitimate and necessary interest in participation in the committee process by members of the public. I expect very much that people like Bob Aaron, Alan Silverstein and Sidney Troister may well want to come forward with their views on this legislation, and that would be a useful thing. I'm hopeful that Nancy Shepherd, whose paper I referred to—and, indeed, who includes as an appendix a very useful chart of red flags and how to weight them. That's exactly the sort of thing that people in a land registry office can do.

Let's look at the realities of especially a busy law office in terms of how it handles real estate work. The lawyer is in his or her office, and it's support staff who—legal assistants, paralegals, law clerks, title searchers—sorry to tear back the curtains on the Wizard of Oz here,



Ms. Elliott, but it's these people who do the grunt work. It's these people who are doing the—

*Laughter.*

**Mr. Kormos:** Well, it is. It's these people who are interviewing the clients, who are preparing the documents. The lawyer should be checking the report from the title searcher, but this is how the process works, and quite frankly, if it didn't, real estate transactions would be far more expensive than they seem to be now, especially for young homebuyers.

It's the land title system that offers the guarantee. It's the land title system—this abbreviated presentation of a land titles registry. They don't tell the title searcher to search behind the final registration. That's why we have to strengthen the land titles offices with trained staff. They're the ones who've got to be looking for these red flags as well.

**The Acting Speaker:** The member from Whitby—Ajax.

**Mrs. Elliott:** I'd like to thank the members for Hamilton East, Davenport, York North and Niagara Centre for their comments. As the member for Niagara Centre has indicated, I certainly agree that the committee hearings are going to be very important in terms of flushing out the issues, particularly around title theft and mortgage fraud. Again, I would urge the minister to invite comment from, perhaps, other real estate practitioners who are more experienced than I am, people who are working in the field on a daily basis, because they're very cognizant of the warning signs and the things that need to be dealt with in this legislation.

I look forward to participating in that process as well so that we can come up with a piece of legislation that is going to be comprehensive to deal with all of the issues. This is the opportunity we have to do it. I think this is a wonderful time for all of us to be approaching it and to all work together on this process to make sure we do get something that is going to protect the consumers in Ontario.

**Mr. Kormos:** On a point of order, Mr. Speaker: if I may correct my record, please. Earlier this evening, when I was speaking to the bill with respect to land titles insurance companies and the provisions of the bill which we support that prohibit the subrogation of rights, I inadvertently and inaccurately referred to the judicial decision as Ramsay. Did anybody correct me? No. Of course, it was Syvan. I apologize. It was the Syvan decision, not the Ramsay decision, and I correct my record in that regard.

2020

**The Acting Speaker:** Further debate?

**Ms. Horwath:** It's certainly my pleasure to take some time this evening to make some remarks on Bill 152, An Act to modernize various Acts administered by or affecting the Ministry of Government Services. Interestingly enough, I was in the House when the minister spoke, introducing the debate for this bill, for this piece of legislation he was bringing forward. At that time, which was one day last week, if I'm not mistaken, there was a characterization that the bill was pretty much a house-

keeping bill, that it was an attempt to modernize existing legislation, and that's probably what a great deal of the 180-some pages of this document does do.

However, as we've heard tonight, there are specific areas of the bill where members of this Legislature have brought to light some significant concerns and significant pieces that may need to have greater scrutiny. We've heard a lot this evening particularly about mortgage fraud, title fraud and identity theft, and that's not something I'm going to go into. I think that particularly the previous speaker, the member from Whitby—Ajax, and my own critic the member for Niagara Centre did a laudable job. I certainly defer to them in their expertise, as practitioners in the field of law, to be able to bring specific issues to light with regard to what is lacking in this bill that prevents us from actually getting to a place where people would feel more comfortable and where consumer rights or the protection of the consumer is foremost and appropriately dealt with.

As I was mentioning earlier, I spent time reviewing various pieces of legislation that this bill amends in some way. I think it has been said several times that there are some 53 statutes affected by this legislation, and of course I certainly didn't go and read all 53 existing statutes and the amendments that refer to them. Instead, first I spent some time looking at the explanatory notes in the bill, trying to figure out which pieces of this bill I think are important for me to be able to raise some issues around.

Interestingly enough, there are some changes to the Liquor Licence Act that I came upon that were of concern to me, particularly having had some experience at the municipal level around the licensing of establishments where liquor is served. There are a lot of amendments that deal with how the registrar deals with the issuing of licences and the determination of whether or not a licence ought to be issued to an establishment that's seeking to serve alcohol on the premises and a number of other specific changes. It caught my attention because not too long ago I had a complaint come to my office from a woman who was concerned about the fact that a previously licensed establishment that had been closed down for several years was going to be re-licensed. The issue this person was raising with me, with some concern about the possibility of this happening, was: How could she put her voice into the process of determining whether or not it was appropriate to re-license this particular establishment? I'm going to get back to that in a minute.

It's interesting, because I come from a city that just had one of the most, probably, high-profile closures of a drinking establishment to take place in Ontario. We had been trying to close that particular establishment for about five years. It was in downtown Hamilton. It was called the Sandbar bar, because there was no food served there. Lots of other things were served there. Most of it wasn't legal; much of it was booze.

It ended up that the Sandbar was a notorious crack house, a notorious drug haven, and it was a place where several murders had taken place, where heinous crimes



took place. It pretty much ruined, or at least was a terrible mark on, a particular business district in our downtown called the International Village Business district. Nonetheless, we had been working for years to try to close that establishment down and, finally, through the proceeds-of-crime legislation, the police over years and years were able to gather enough evidence, including evidence of these particular murders that took place, that helped to close that facility down. The asset was seized by the government and turned over to the city of Hamilton.

Interestingly enough, that particular establishment was owned and operated by a group of people who had previously owned and operated another establishment just down the road, on King Street in downtown Hamilton, and that previous establishment they had owned was also, dare I say, a den of iniquity, a crack house, a place where drugs were sold, a place where heinous crimes were taking place. That establishment was closed down by police. Before that, the same principals were involved with a different restaurant on the other side of the downtown. The same principals kept moving from establishment to establishment. They'd get into trouble in one neighbourhood, have enormous complaints, all kinds of police attention, eventually the doors would shut and they would move to another location, and then the same situation would occur, until finally the last and most horrible situation occurred at the Sandbar, which finally has also closed down.

The reason I raise it is that when I was looking through the explanatory notes in the bill—I'll speak to the specifics as well—what happens in the changes is that it says, "A new subsection 6(7) of the act prohibits a person who is refused a licence to sell liquor or a renewal of such a licence, or whose licence to sell liquor is revoked, for specified grounds, from making an application for a licence to sell liquor until two years have passed since the refusal or revocation." I think that's a good thing, so here's a piece of this bill that I think would be helpful in the case of the principals in the Sandbar fiasco that went from the Viking to Big Lisa's to the Sandbar. People like that will not be able to continue to operate without some scrutiny if this particular clause goes forward and is acted upon by the registrar. It goes on to say that the pieces in this particular bill will strengthen the act around being able to have a better opportunity to review and look into past dealings, the character, the finances, the history and the criminal activity of proponents, of people who are seeking a liquor licence. I think that's a pretty good change. It's quite positive.

The thing that kind of disturbs me, though, as I read on in this explanatory note, is this subsection that I came across: "Subsection 7(2) establishes that it is not necessary for the registrar to issue a notice of an application to sell liquor to residents if he or she is satisfied that issuing the licence is in the public interest...." It's "if he or she is satisfied," so basically this is saying that there's no longer going to be a requirement for the posting of an application for a liquor licence. It goes on to say, "... if he or she is satisfied that issuing the licence is in the

public interest having regard to the applicant, the location of the premises to which the licence will apply and the needs and wishes of the residents."

Of course the registrar is not going to be able to determine the residents' needs and wishes if nobody knows there's a liquor licence application being considered by the registrar. I really can't figure out exactly what this is supposed to be getting at, so I went and looked up the existing legislation, the Liquor Licence Act, and the way subsection 7(1) currently reads is, "Subject to subsection (2), the registrar shall give notice of an application for a licence to sell liquor to the residents of the municipality in which the premises are located by giving notice...." and it goes on to give the prescribed manner under which the notice has to be undertaken etc. Then there's a bit of an exception, but that's an exception that deals with the fact that somebody's going to be denied, so there's no point in notifying if the denial is a no-brainer and is going to happen.

#### 2030

But the problem is that at the end of the exception it says, "The registrar is not required to give notice under subsection (1) if the applicant for the licence is disentitled under clauses 6(2)(a) to (g)" etc. Then you would add on at the end the new piece here, which says, "or if the registrar is satisfied that, having regard to the applicant for the licence, the location of the premises to which the licence will apply and the needs and wishes of the residents of the municipality in which the premises are located, the issuance of the licence is in the public interest."

I really am quite concerned. I think the government needs to reconsider cutting the public out of the opportunity to speak to whether or not, from the residents' perspective, from the municipality's perspective, from the neighbourhood's perspective, from the community's perspective, they think it is in their best interests for a liquor licence to be established.

Mr. Speaker, you have represented people at the municipal level as well, and you know as well as I do that there is nothing that—well, there are many things, but one of the things that really is of concern to neighbourhood communities is the issuance of a liquor licence to a location that was previously not a licensed facility. I see very clearly that a number of neighbourhoods in my community have had these kinds of things occur. Unfortunately, many people are not aware of the process by which liquor licences are applied for and posted in the newspaper. However, very often, if someone sees something going on in a neighbourhood, if they see something different happening, if they see a posting or some activity, they'll phone city hall, they'll phone their councillor or somebody. Or they'll just ask a neighbour, "What do you think is going on there?" "Oh, I think they're going to open a bar." And then they start looking through the newspapers to see the notice of application. The thing that's important about that is that it gives people the opportunity—it says right in the notice posted in the newspaper—to write in and give their comments, their concerns, their feedback, their input.



I was shocked, frankly, to see that the Liberal government wants to cut out the voice, the participation, the concern of residents and communities about whether or not it's appropriate to have a bar next door. Maybe that bar is right next to a school. Maybe that bar is down the road from the rec centre. Maybe that bar is going to have a patio that's going to keep people up and awake all hours of the night. In the city of Hamilton we've had no end of problems with some of the bar operators. I'm certainly not saying that all of the bar operators are problematic, but there is no doubt, depending on the kind of facility, the kind of bar, the kind of entertainment and whether there's outdoor seating, that all those issues impact on quality of life in neighbourhoods.

I really would advise the government to review and determine whether it was their intent to cut people out of the process. This government talks about being transparent and about hearing people's voices and about being responsive to the people, but this is the opposite. It cuts people out of the process, and I'm very concerned about it. In fact, in mid-August I had a perfect example of the same situation happening, where a woman discovered, after having purchased a property in her neighbourhood, that a liquor licence was being applied for in a previously defunct bar. She is very concerned about the effect that's going to have on her quality of life, as well as the quality of life of her children and neighbours. So I would ask that the government review that section of the bill. It's subsection 6.1(13), which refers to subsection 7(2) of the existing Liquor Licence Act.

There are many other issues in this bill. We've talked about some of them, including the ability ofingos to perhaps sell liquor and a number of other pieces as well. But one of the ones that comes up, and it has come up in every speech I've heard so far, is the issue of the option being given to operators of bars and clubs to enable people, particularly women, to bring their drinks with them to washrooms. When I first heard of this being a piece of this bill, I remember that the government was all proud of it and they were going to stop date rape. I thought that that was a bit of an insult, not only to the women of this province but to anybody with half a brain, because just by taking a drink from the dance floor area, from the club area, into a hallway or washroom area is in no way going to stop the attacks and assaults on women by men.

Something more than that was bothering me about it. First of all, it's improper for the government to suggest that this one small thing that's an option for bar owners is going to make a big difference in terms of the vulnerability of women to date rape. But then the other thing that started to bother me when I was thinking about it is that the message in this is that if you're the victim of a date rape drug, then it's your own fault because you weren't looking after your drink. So once again, in a subtle way, the way the government brought forward this legislation and brought forward the hoopla around this particular silly little option clause blames the victim. It's telling women, "You know what? If you've been a victim

of this date rape drug already, then it's because you weren't looking after your own drink." It kind of reminds me of the way we used to blame women for being sexually assaulted when they were wearing revealing clothing. I think it's totally irresponsible, in my opinion, that the government characterizes this particular legislative change as being the saviour for women in terms of vulnerability to date rape.

What I think the government needs to do is actually spend a lot more time in implementing their violence-against-women strategy. They need to spend a lot more time investing in programs, in education and in services for women who are victims of sexual assault, almost 95% of the time by male partners. What's going to make women less vulnerable to sexual assault, less vulnerable to date rape drugs, is the government getting serious about investing in violence-against-women programs. In fact, they keep claiming they have all this money available that they're going to invest. They're three quarters of the way through their mandate and they haven't even invested a third of what they said they were going to invest in violence-against-women programs. In fact, I expect we'll be enlightened a bit more about that later on this week when we see the Ontario Association of Interval and Transition Houses coming to Queen's Park once again to tell the government to get with the program and start acting a little bit more seriously in terms of their commitment to end violence against women.

This is one of those things that the government is trying to sell as a big solution to violence against women, or at least as a big solution to vulnerability to sexual assault. But really, I would purport that the way it's being brought forward in fact revictimizes women and sends the message to them that if they've become vulnerable to the tainting of their drinks by the date rape drug, then it's their own darn fault. I think that's a really sad place for us to be in 2006. I think the government needs to take some real responsibility for being more proactive on the issues of violence against women and on the issues of services for women who do face these kinds of horrifying experiences.

On the other issues, I think that there has been a great deal of discussion already, and so I won't go into any of the other pieces in any great detail. I want to say that I think there is more that can be done around the identity theft issue, as was described earlier today. I think there needs to be some sober second thought about the licensing of bingo halls. And I think we need to look really carefully at the government taking responsibility for its own gift cards when we talk about taking off the deadlines for gift cards, because we're heading into the season where people are often exchanging gifts. Unfortunately, it looks like it's going to be a little bit too late for that piece to come into place for this holiday season, but I do think the government needs to look to its own doorstep and take care of the LCBO cards as a way of signalling that change is in the air. I think people overall would agree that the removal of the expiry dates on gift cards is a good thing to do.



In wrapping up, it's important to indicate that I think there are pieces of this bill that are supportable and are going in the right direction. I think there are many pieces that need to be cleaned up. I still remain concerned about the way that some pieces have been characterized by the government.

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**The Acting Speaker:** Questions and comments?

**Hon. Mr. Watson:** I'm very pleased to see this bill before the Legislature. I had the honour of being the Minister of Consumer and Business Services in my first portfolio. I'm delighted that Minister Phillips has brought forward a number of these changes, which are very progressive and forward-thinking. I also want to thank Ted McMeekin. He was my parliamentary assistant and then was Gerry Phillips's parliamentary assistant and led the discussions around the province on the Liquor Licence Act changes. Ted did a lot of good work on that particular piece of legislation.

I think it's a good, forward-thinking idea to bring the Liquor Licence Act into the 21st century. We did some changes a year or two ago that allowed people to bring their own wine into restaurants. This allows the hotel industry, for instance, when there's a banquet in one room and the main course in another—individuals can actually transport their drink from one room to the other. The bingo hall industry has hit some tough times over the last decade or so, really, with the increased competition from casinos and other forms of gambling: race tracks and so on. I don't think it's unreasonable to allow a bingo hall to apply for a liquor licence if someone wants to go and play bingo and have a drink and do so in a responsible fashion.

The small breweries industry: John Hay has been very supportive and has said such. Linda Franklin said, "Ontario's wine industry has evolved over the years. It's important that the province's liquor laws reflect the current realities of both the industry and the consumer."

I think this is good news for the province. I look forward to seeing a number of these changes brought in throughout the province. Restaurateurs and hoteliers in my riding have been pushing for these kinds of changes, people like John Jarvis at the Westin Hotel, and the general manager of the Château Laurier—Madeleine, you certainly know our friend Claude Sauvé. They're welcoming these kinds of progressive changes.

**Mrs. Elliott:** I would like to comment briefly on some of the remarks made by the member from Hamilton East, who raised a number of very thoughtful issues in her comments. Although my previous comments had been directed mostly to the issues around identity theft and mortgage fraud, there are two issues that the member from Hamilton East raised that I would like to just stress and indicate how much I agree with her on this.

One is with respect to the issue of the amendments dealing with the date rape drug and allowing women to take their drinks into the washroom with them. As I indicated previously, I was a little surprised when I first heard about these proposals because I really didn't think

it was a serious issue. But as I have been speaking to young women who do go to bars and particularly to clubs, I understand that there really is a need for them to have their drinks in a safe place because they do have a significant concern about the drinks being spiked with the date rape drug or other types of drugs. So I think that is something that we need to take a long, hard look at for the protection of women. But it sort of begs the question of why we should have to be concerned about that, really, in the first instance. It's pretty shocking that we have these sorts of things going on in the province of Ontario, and I think we need to look a little bit further at some of the enforcement issues around that. But I certainly agree that it is something that needs to be addressed.

Also, with respect to the issue of gift cards, that is something I agree we should look at—the LCBO—to deal with in some kind of substantive way because that is an issue that is of concern to consumers. I do hope that is something that can be dealt with relatively quickly. But again, that's one of the issues we face with an omnibus bill of this type, because there are 53 different pieces of legislation being dealt with here. But that's what we have, so I think we need to get on with that one as well.

**Mr. Kormos:** I'm grateful to the member from Hamilton East for her valuable contribution, her insight and analysis of the bill, her comprehension of the bill. She commented on the ineffectiveness of the proposed regulatory changes permitting women to take their drinks to the toilet stall with them as somehow being some sort of defence against attacks by men who would use date rape drugs. It's downright silly. It's delusional. It has nothing to do with the problem. It's not a solution. As a matter of fact, it's a diversion, which makes it downright dangerous because it leaves the impression that the government's doing something when in fact it's doing nothing, and we should be very concerned about that.

I want to talk about the booze in the bingo halls. Look, you may consider that progress. Some of you may think it's progress to give more and more people more and more access to booze in more and more places at more and more different times of the day. Booze is a serious problem out there. It's a serious social problem; it's a serious economic problem. It's the government's addiction to booze tax revenue, just like it's the government's addiction to casino revenues, that is driving this. It has nothing to do with modernizing our perspective.

For the life of me—think about old Mrs. Martin, as nice a lady as you could ever want to meet and a darn good bingo player, but you get half a dozen beers in her and she gets downright nasty. We're going to have bingo dabbers turned into offensive weapons. We're going to have people who didn't hear the bingo caller—they're going to be standing up drunkenly calling "Bingo," disrupting the game. We're going to have people falling over, knocking over people's cards. There are going to be fights; there are going to be brawls; there are going to be people puking on their neighbours' bingo cards. And you consider this an enlightened environment to create in your modern Ontario? I think it's foolish; I think it's



naive. I tell you, come forward with the demand for it. It's an irresponsible thing, to boot. I'm looking forward to hearing from folks about that during committee.

**Mr. Leal:** I was listening very carefully to my colleague the member from Hamilton East. It's interesting that there is probably more that unites us in this bill than what divides us. When it goes to committee, we'll have the opportunity to review. There will be necessary amendments, I think, to reflect some of the comments that have been made by members in this House.

Interestingly, the Electrical Safety Authority—over my time as a city councillor and now as an MPP for three years, I have had a number of people contact me about the safety of appliances they've purchased. Ralph Nader in the United States, the great consumer advocate, made a great mark down there pointing out bad consumer products that were manufactured, put into retail markets and purchased by consumers who had faith in the quality of the product they were purchasing. He made his name particularly in the auto industry and then went on to the larger consumer industry. Certainly this bill provides some additional protection in that area.

The other area that I've also heard comments on from time to time is the bereavement sector. People, perhaps a decade ago, purchased a prepaid funeral for a loved one, looking after one's last situation, and a decade later they find out, or a family member who has been left to handle the final arrangements for an individual would find, that that payment made a decade or so ago perhaps doesn't cover all the costs of the funeral. Funerals, over a period of time, have become increasingly more expensive. I think providing more protection for people who make arrangements for prepaid funerals is important.

I've received positive comment about the banning of illegal Internet gaming in Ontario in the provisions in this bill.

**The Acting Speaker:** The member from Hamilton East may wish to respond.

**Ms. Horwath:** I want to thank the Minister of Health Promotion, the member from Whitby–Ajax, the member from Niagara Centre and the member from Peterborough for their comments. Interestingly enough, the issue of consumer protection did actually first come up with the Minister of Health Promotion in his previous portfolio. He might be interested to know that I was recently contacted by the Hamilton Spectator asking me if I had heard any further issues of complaints of people from fitness clubs who are still being ripped off even after the wonderful Bill 70 that that minister was responsible for bringing forward. There are still problems taking place in terms of the fitness industry. I find it quite interesting that he's proudly raising that in the context of this consumer protection bill when in fact the last one was absolutely ineffective, particularly around the issue of fitness clubs, which is one of the things that came up during the debate of that bill.

Nonetheless, I think it's clear from the debate this evening, even from the comments of members commenting in questions and comments, that this bill needs to go

to committee. It needs to have some scrutiny. It needs to have some stakeholders come to the table and talk to the government about what they see as possible problems with the bill.

**2050**

I know, frankly, that when members of my community discover that they are going to lose the opportunity to have liquor licence applications posted in our local newspaper, it will be problematic. People will not like to have that opportunity removed, the opportunity to speak to the effect that the issuing of a liquor licence will have on their neighbourhoods and on their communities, and I think that alone is going to generate some concern and interest in my community.

Also the issues that were raised around the date rape drug: Even the name "date rape drug" really makes me angry, because rape is sexual violence, it's got nothing to do with dating, and I think it's inappropriate that the government brought it forward in the way they did.

**The Acting Speaker:** Further debate?

**Hon. Mr. Watson:** I want to thank our party whip, who gave me a few extra minutes to talk on this particular bill, the consumer protection and service modernization bill, introduced by my friend the Minister of Government Services.

I want to comment on what was just said by the member from Hamilton East with respect to the ability to transport one's drink into a washroom. This is not just for women, not just as a result of a number of women having come forward asking that this be done. We've had requests, for instance, from the sports community. At the Scotiabank Place in Ottawa, they have to have security guards at all of the entrances of the bathrooms. They tell people, "I'm sorry, you can't bring the beer you just bought"—or the Coca-Cola or the Diet Coke or the juice—"into the washroom." So it's not just about encouraging women not to leave their drinks unattended.

I should quote the vice-president of education at Ryerson University Students' Union, Nora Loreto, who said, "Date rape drugs are a concern for young women on college and university campuses across Ontario. We support the government's proposed changes that would give the people the choice of never having to leave their drink unattended." So it does give that freedom of choice to individuals.

This particular bill also strengthens the enforcement and investigation powers of the Alcohol and Gaming Commission of Ontario, the AGCO. I've had a number of discussions when I was minister and, subsequent to that, with individuals who are on the AGCO board. Allan Higdon, a good former colleague of ours who is a member of the AGCO board, and I have talked about some of the challenges that the board faces when it comes to investigating and enforcing the act. This is going to strengthen the powers of the AGCO.

It's also going to allow wine, beer and spirit manufacturers to charge a nominal fee to sample products at on-site stores of wineries and breweries. We've got some wonderful small wineries in the Niagara region and Pelee



Island and now Prince Edward county in eastern Ontario. They'd also be permitted to sell and serve by the glass throughout their premises.

When you think of it, some of these rules just make sense, and most people are wondering why they weren't allowed in the first place.

I'm also very pleased that ServiceOntario continues to thrive under this government. A couple of months ago, I had the real pleasure of joining with the mayor of Ottawa and the minister of human resource skills development at Ottawa city hall, where we opened the ServiceOntario, Service Canada, Service Ottawa facility. I urge members, if they get a chance, if they're in Ottawa, to visit this ServiceOntario centre, because it is the ultimate one-stop-shopping service for consumers. Before, people had to run from pillar to post: go over there to get a driver's licence sticker, to get an OHIP card, to pay a parking ticket, to pay their property taxes. Now, under one roof, you have all three levels of government working in a spirit of co-operation. So when Mayor Chiarelli and Diane Finley and I officially clipped the ribbon, it was a great example of what the public is calling for more and more. They want to see the three levels of government co-operate at the service level. It's a beautiful facility located right at city hall, and it provides those kinds of services that individuals who are busy raising their kids, trying to earn a living and don't have time for the government shuffle or the government runaround. ServiceOntario is something I'm very proud of as the former minister, and I know Gerry Phillips is equally proud of it. It's a service that has now gone into other communities, taking the old government information centre concept and bunching together other services at the municipal, regional, county and federal levels. It's a great example of government working better for the people.

Also the bereavement sector: This is a sector that obviously has waited a long time for various changes. It was originally part of Tim Hudak's bill and then was encapsulated to a certain degree in a bill that I had brought forward, and now it's coming to fruition. I want to thank people, particularly in Ottawa, people like Tom Flood, who was with Hulse, Playfair and McGarry and is now the president of the Ontario Funeral Directors' Association, who has been very helpful in working with the government and with the association—I know my colleague Madeleine Meilleur knows Tom—and Brian McGarry as well, leaders in their community who have been at the forefront of making sure that the families of the deceased are properly taken care of. They do great work, not only within their business but in their business associations. They've taken on those leadership roles.

Modernizing business laws in Ontario: It will give businesses operating in Ontario a modern legal framework that helps them respond to marketplace developments while encouraging enhanced corporate governance. We've worked closely with a number of legal groups and other groups, like the CAs—Chris May, their director of government relations, and Brian Hunt—those

individuals who have come forward and offered very thoughtful and positive suggestions.

One of the things that I think has caught the public's imagination is the issue of expiry of gift cards. Really, it is quite unacceptable that people go out and buy a gift certificate and then, in tiny print, often at the back of the gift certificate card, there's an expiry date. That doesn't make any sense.

**Mr. Kormos:** Tell the LCBO to stop.

**Hon. Mr. Watson:** I agree with the member from Welland that the LCBO should be leading by example, and I know that Minister Caplan will address that issue. Quite frankly, it is hypocritical; if the government of Ontario is moving forward on that piece of legislation, all government agencies should be following. That's the purpose of this act. This will require all agencies of government and the private sector to follow suit.

I thank the Retail Council of Canada. Diane Brisebois said, "We look forward to working with the government to create rules that respond to the concerns of consumers but also take into consideration the legitimate needs of retailers." I have discussed this with my former executive assistant, Derek Nighbor, who is now vice-president of the Retail Council of Canada, and they want to be helpful and co-operative, working with the government to ensure the greatest consumer protection for those individuals who go with good intentions and buy a gift certificate to give to someone, and often what is the case is that people lose the gift certificate, they misplace it, they wait perhaps until the next year to buy a Christmas or holiday gift, and they realize the date has expired. So Bill Huzar, president of the Consumers' Council of Canada, said:

"We are delighted to see that Ontario intends to eliminate expiry dates on gift cards. More and more consumers are purchasing gift cards, and we're pleased that Ontario is proactively leading the way to protect consumers."

And it really is. For someone like me, who has terrible tastes in clothing and shopping—I'm not very good at buying gifts for Christmas for my family and friends, so I go out and buy gift certificates, because it gives them the opportunity to go and purchase what they would like. As opposed to maybe buying a tie like this for my father, he can get something that he really would like.

*Interjection.*

**Hon. Mr. Watson:** I won't ask Mr. Kormos for any shopping tips. I was told to say that by my friend Madeleine Meilleur.

In closing, because I think I only have another minute or so left, I also want to talk about illegal gaming. I want to thank Ted Smith. I had a very good relationship with the horse industry, which is a vital part of the agricultural fabric of this province, and they do some great work—the jockey association, the thoroughbred folks and all the people involved with horse racing and harness racing in the province of Ontario. They are concerned. The previous government did the right thing by allowing the slots operations to come and help that vital part of rural Canada because, quite frankly, I suspect horse racing would have died off if we didn't have the added attrac-



tion of the slots and the funds that go directly back into the horse racing industry. The Internet gambling challenge that is plaguing not just Ontario but our country and the world is something we have to take very seriously. It's addictive and it's not something we would wish on anyone. Ted Smith, the president and CEO of Standardbred Canada, said, "We must strive to eliminate illegal Internet gaming, and the bill you are proposing is the first step in the right direction."

2100

Another aspect that I'm quite pleased to see is the granting of new powers to the Electrical Safety Authority, the ESA, one of the service delivery organizations along with groups like TSSA and AGCO and other groups. It will allow the ESA to seize or order dangerous or unsafe electrical products to be removed from store shelves. One would think that, in this day and age of consumer protection and home safety, those powers would already be with an organization like the ESA, but in fact they are not, and I commend Minister Phillips and his staff for the work they have done. I have to say, the staff at the Ministry of Government Services, formerly Consumer and Business Services, people like Rob Dowler, the assistant deputy minister, are so highly regarded across the country because some of the progressive pieces of legislation and acts that we have in place in this province are role models for other provinces across the country.

I'm going to conclude by saying that I very much support this piece of legislation. My hope is that we see quick passage of this, because it's important that we get the regs written and get these initiatives out so individuals can have a greater sense of personal protection as consumers, as citizens in our community. I look forward to hearing suggestions, thoughtful, creative and constructive criticism of the bill, how it can be improved, but I think all members on all sides of the House recognize that consumer protection is of paramount importance. There are too many scam artists out there trying to take advantage of individuals, in many cases some of the most vulnerable people in our community.

In my own community of Ottawa West-Nepean, I have a large number of senior citizens, and I've held a number of consumer workshops and seminars with organizations like the Old Forge and the Alex Dayton centre when it was opened, talking to senior citizens about what they have to do to protect themselves. Whether it's the fraud-free calendar sent out by the Ministry of Government Services, whether it's the series of brochures on the Travel Industry Act, real estate practices, autobody shops and scams that some take part in, this kind of information is important. Some would scoff and say, "It's just a brochure," or "It's just a calendar," but often the information is something we take for granted but that other people have just not thought about; for instance, how they can be scammed if someone comes and tries to sell them something at the door and they don't have the knowledge that there is a cooling-off period, that under the Consumer Protection Act, individuals have a 10-day

period, I believe it now is, to get a full refund under the law of Ontario.

I thank our whip for the opportunity to say a few words. I'm very supportive and very proud to be part of the McGuinty government, which is putting consumer protection at the forefront of our agenda. We brought forward Bill 70, which I think was a positive step forward. We brought other amendments to the Liquor Licence Act.

I should mention one other aspect that was a small but important thing to those stakeholders. We were approached by a number of organizations—hockey teams, the NHL, the NBA—that had asked us not to require a lid on cups for drinks being sold at concession stands at Scotiabank Place, at the Air Canada Centre. At first, I wondered why they would not want to have the lid. Maybe it was just to save money on the lids. In fact, with the lid on the container, it acted as a projectile that could go onto the basketball court or the hockey surface and potentially cause harm and injury to an individual on the ice or act as a projectile in the stands and hurt someone at one of those hockey matches or basketball games. So we made those kinds of changes.

The Liquor Licence Act really has not been fundamentally changed in decades. While I'm not suggesting that we loosen up the enforcement aspects—in fact, this actually strengthens them—we have to be reasonable and we have to recognize that the hotel industry has been after changes we've put in this for a long time.

In closing, I just want to thank Rod Seiling. Rod is the president of the Greater Toronto Hotel Association. Some of you may remember Rod as one of the members of the 1972 Canada-Russia series, on Team Canada of course, and then he went on to play with the Leafs, and I think he was with the Rangers after that. He's a great booster of the tourism industry. He very effectively pushed this, with me previously and now with Minister Phillips, to make these kinds of changes so it would make it easier for customers and employees of hotels and restaurants around the province to do their job.

Speaker, I thank you for the opportunity to say a few words, and I look forward to passage of this bill.

**The Acting Speaker:** Questions and comments?

**Mrs. Munro:** I'm pleased to be able to offer a few comments, in the moment we have, on those made by the Minister of Health Promotion.

As has been mentioned a couple of times this evening, as legislators we are faced with the problem that this bill covers so many particular areas, any of which deserve special investigation and consultation in the legislative process, certainly the questions around real estate fraud. I know that in my community I had many people talk to me during the summer, after it became public knowledge just how easily the identity of an individual and the potential for real estate fraud—it became clear for people when it was explained by the press. Many of my constituents have expressed grave concern over the vulnerability people have. It seems to me, in looking at the legislation as it is proposed, that the onus of respon-



sibility is still on the victim as opposed to dealing with the mechanism that would prevent this from happening to people. On issues such as that, there certainly needs to be much greater attention, and I would hope that the government would take into account public hearings to cover it.

**Ms. Horwath:** It's my pleasure to make a few remarks on the Minister of Health Promotion's speech this evening. The first thing I want to say is that I found it interesting that the minister said that the issue of people, women, being able to bring their drinks with them into washrooms and hallways was a matter of providing an opportunity for choice. Of course, every person would respect that women should have the choice to do whatever they need to do to feel safe, to feel like they have the opportunity to do that. But what the minister neglected to indicate is that the bill allows the choice to bar owners and club owners to implement this policy or not, to have their liquor licence amended to allow this to happen or not. It's passing strange that the government is purporting that this bill in and of itself is going to make a huge difference for women's safety when it does nothing at all except to allow bars that may want to have this opportunity the choice to implement it. In my mind, there are still issues around the extent to which sexual violence, violence against women, is taken seriously by this government. I think there are many more things that need to be done to signal that that's the case.

2110

Having said that, I think the minister was very appropriate in indicating his agreement with some of the comments, particularly around expiry dates on gift cards and the LCBO, but I also think that should signal to the government that there are other pieces of this bill—this quite large bill that makes changes to many, many different statutes—that need the scrutiny of committee. We look forward as New Democrats to seeing that scrutiny occur and to invite stakeholders to participate in that process.

**The Acting Speaker:** The member from Davenport.

**Interjection:** Hear, hear.

*Applause.*

**Mr. Ruprecht:** Thank you for the applause; thank you. Even opposition members are clapping, which is unheard of in this place.

I want to thank the Minister of Health Promotion for his comments, especially as he quotes the vice-president of education of Ryerson University on date rape drugs. Loreto says, "We support the government's proposed changes that would give people the choice of never having to leave their drinks unattended." I think that's great.

Since we are talking about consumer protection, there's one issue that I think really needs attention, and it is this: Ann Cavoukian, who is our privacy commissioner, says that seven times out of 10, your privacy is being stolen not because you were inattentive to your wallet, not because you gave your credit card number out through the Internet, not through any fault of your own—

but seven out of 10 times, your identity is stolen either by a staff member or someone working in our financial institutions.

Imagine that. Identity theft: not your fault. Consequently, it is important that when this bill gets to committee—

**Hon. Mr. Bradley:** When?

**Mr. Ruprecht:** Well, hopefully soon—we would consider that if an identity has been stolen, that if my identity has been compromised by a financial institution or by a credit card company, if that has been done, then I deserve to be notified. Is that a good idea? I think that's a good idea. We have no law on the books today that says that when your identity has been compromised and your file has been stolen, the consumer has to be notified. I stand here today and say I would support such legislation. I'm sure the majority of you would, too.

**Mrs. Elliott:** I'd just like to make a few brief comments concerning the remarks that were made by the Minister of Health Promotion, because he covered a lot of territory with his comments—things like removing the expiry dates on gift cards. I'm certainly pleased to hear that the minister has indicated his support of the LCBO removing the expiry dates from their own gift cards.

He also covered the issue of illegal gambling, Internet gambling and the issues around that being a matter of concern. But there's the whole issue of enforceability, of course, around all of that, and that's something we need to bear in mind as we move forward from this legislation. It's well and good to enact the legislation, but how will one enforce it?

He also covered the issues around electrical safety, changes to the liquor licensing laws and finally the issues around the whole bereavement sector, which I don't think have been touched on much, if at all, in these discussions yet. There are so many topics to be covered here—a total of 53 statutes. All I would say is that I hope the government members will bear this in mind: that when we move forward into committee hearings, it's going to be important to give due time and consideration to each of these very disparate sections, because they are very important and stand alone. Sufficient time should be allocated in order to allow for a fulsome discussion on each and every one of these topics, not the least of which, of course, is the issue of identity theft and mortgage fraud, because if we're going to have something that's truly going to protect the consumers in the province of Ontario, we're going to need to hear from all of the consumers and the stakeholders who are involved in these many different pieces of legislation, to make sure they all have full input into the discussions and that the resulting impact and legislation is as full as it needs to be with respect to the issues affecting consumers here in Ontario.

**The Acting Speaker:** The Minister of Health Promotion has two minutes in which to respond.

**Hon. Mr. Watson:** Je veux dire merci aux députés de Hamilton-Est, Whitby et Davenport pour leurs commentaires.



It's really my pleasure to just summarize, in the moment or so that I do have, that I'm proud of this legislation. I think perhaps the member from Hamilton East has put too much focus on the issue with respect to allowing individuals to bring a drink into a washroom. This was not meant as a cure for date rape or raping, but I think it's important that that's one of the terrible things that can happen when a drink is left unattended.

Also, with respect to committee, this government, more so than any other government probably in the last 20 years, when the opposition and public has demanded, has brought pieces of legislation to committee for thorough review. I think most opposition members would agree with that as well.

The issue of identity theft: I thank my colleague from Davenport. He's been persistent and consistent on this issue. Combatting identity theft is important, and this particular piece of legislation deals with it. Identity theft is the fastest-growing crime in North America. It's particularly the kind of bottom feeder who goes after vulnerable people like senior citizens by stealing their identity, and we've seen the consequences, personally, emotionally and financially, when one's identity has been stolen.

So this is a very comprehensive piece of legislation. It's one that I believe should garner all-party support, because at the end of the day what we're trying to do is to help further strengthen the laws that protect consumers, and we're all consumers as citizens of this great province.

**The Acting Speaker:** Further debate?

**Mr. Norm Miller (Parry Sound-Muskoka):** It's my pleasure, at this late hour, to add some comments to do with Bill 152, An Act to modernize various Acts administered by or affecting the Ministry of Government Services. As has been mentioned by many people already, it's a rather thick piece of legislation. It affects some 53 different statutes. That's often referred to as an omnibus bill. As the Minister of Health Promotion said, he'd like to see quick passage of this bill. I would suggest that the section dealing with title fraud could be a bill by itself, and that could involve—by itself, that one particular aspect—significant public hearings. So this could require very significant public hearings to deal with all the very many different aspects of the bill.

The bill, as mentioned, affects 53 different statutes. It deals with real estate fraud; changes to the land registry system; gift cards, prohibiting expiry dates and administrative fees; identity theft protection measures; expansion of ServiceOntario; Internet gaming—it prohibits some advertising; liquor licence changes, as has been mentioned, including allowing patrons to take drinks into the washroom; access and privacy changes; there are archives changes; electrical safety changes to regulation enforcement regarding unsafe products; changes to the Business Corporations Act; and changes to the bereavement sector legislation. So we're really dealing with all kinds of different things. Each one of those items could probably be a bill by itself, but they're all bundled together.

In the brief time I have today, I want to talk about some specific parts that affect both my critic area and also the riding of Parry Sound-Muskoka. First of all, just briefly talking about the title fraud situation: That was explained very well by the member from Whitby-Ajax. I note also that the member from Barrie-Simcoe-Bradford has a private member's bill, Bill 136, which, as the member for Whitby-Ajax explained, handles this situation a little better than this Bill 152 does.

I note the headline of the October 28 Toronto Star. It's an article by Bob Aaron: "Title Fraud Bill Faces Troubled Future: Homeowners Still at Risk, Doesn't Provide Reasonable Costs." I read through that three-page article, and it explains how convoluted things can get under this bill. The final lines in the three-page article are:

"Bill 152 is the first baby step in addressing only one problem of title fraud, but it creates more problems than it fixes.

"We still have a long way to go, and I worry that the title fraud dilemma will get much worse before it gets any better." I won't deal with that any further because the member from Whitby-Ajax talked quite a bit about that.

2120

This bill also gives power to conservation officers to enforce parts of the Liquor Licence Act. That is in my critic area, and as I noted in a question today to the Minister of Natural Resources, the government has broken the promise that it made in writing to the Ontario Federation of Anglers and Hunters to fully fund the fish and wildlife program of the Ministry of Natural Resources. In fact, the Ontario Federation of Anglers and Hunters says that there's a \$25-million shortfall in that area, and we're seeing evidence of that. We're seeing the fact that fish-stocking programs are being cut back. Just recently, in the last few months, the Ringwood hatchery was taken over by the Ontario Federation of Anglers and Hunters because it was going to close if they didn't take it over. So I'm very pleased they have taken it over, because it's important to the fisheries. The government is not doing its job, so other organizations are having to step in.

Today, I asked a question of the Minister of Natural Resources based on an article in the Sun Times written by correspondent Mr. James Armstrong, where it is revealed that municipalities are having to train OPP officers to enforce the Fish and Wildlife Conservation Act. So how are conservation officers going to take on new responsibilities and enforce the Liquor Licence Act, as is proposed under this bill, when they aren't able to do their job now because they aren't being properly funded? We hear stories from all around the province about how conservation officers have their vehicles parked because they don't have enough gas to run them, how they're stuck in their office because they aren't being properly funded. In this particular article, "OPP Get Municipal Boost to Enforce Outdoors Laws," by James Armstrong, Sun Times correspondent:



"If the Ministry of Natural Resources can't provide enough staff to enforce laws, the OPP may be able to help.

"Blue Mountains council voted Monday to approve spending up to \$1,000 for the local OPP detachment to use toward hiring a fish and wildlife conservation contract training officer from the Ministry of Natural Resources.

"The MNR employee is needed to train OPP officers to enforce rules under the Fish and Wildlife Conservation Act, a job normally done by the ministry's conservation officers. Provincial cutbacks have left the MNR short-staffed....

"Mayor Ellen Anderson said the Blue Mountains wants hunters to feel they can come to the municipality to pursue their sport. 'Nevertheless,' she said, 'council wants to make sure the hunting season, which has already begun, continues in an orderly and lawful manner.'"

How are conservation officers supposed to take on new responsibilities, as proposed by this bill, when they're not able to do the job that they're supposed to be doing, enforcing the Fish and Wildlife Conservation Act, because of the broken promise by the McGuinty government to fully fund the fish and wildlife program of the Ministry of Natural Resources?

There's another aspect to this bill that I'd like to talk about, because it very much affects the riding of Parry Sound-Muskoka. There are changes to the Alcohol and Gaming Regulation and Public Protection Act, 1996. I've received a lot of correspondence and had different groups in the riding approach me about problems with fundraising. Perhaps what I should do is use—the corporation of the municipality of Magnetawan has illustrated that groups deserving of funding are not able to do the simple fundraising activities they've been able to do in the past. I note that Magnetawan actually passed a resolution. I won't go through the whole thing because I don't think I have enough time, but I'll read the conclusion:

"And whereas the council of the municipality of Magnetawan feels that the current regulations governing lottery schemes are too restrictive and prohibit local groups and organizations from raising much-needed funding through lottery schemes to carry out community programs and events;

"Now therefore be it resolved that the council of the municipality of Magnetawan requests a review of the province of Ontario order in council 2688/93 to allow that each individual municipal council within the province of Ontario be responsible for the development of terms and conditions governing the use of proceeds for the lottery schemes held within their respective municipality to allow municipalities and government agencies to receive lottery proceed funds."

The way it's written right now, it states that the gross proceeds from lotteries shall be used for charitable or religious objects or purposes providing a direct benefit. It's very specific, so all kinds of worthwhile fundraising activities that aren't, strictly speaking, considered charitable or religious are disallowed, and that's a real prob-

lem. It's a real problem for rural Ontario. For example, in Burk's Falls I met with representatives of council and community members who are fundraising to rebuild the arena and community centre, a very important facility in Burk's Falls. It's a \$1.3-million project, which is a huge deal for the town of Burk's Falls. The province hasn't been supporting them sufficiently to be able to do this project, so they have to do things themselves. But their hands are very much tied by the control of the rules, the way they are.

I've written to the provincial government on this issue, and they've laid some blame on the federal government, which they've been doing a lot of lately, I might add. I've spoken to our federal member, Tony Clement, about this issue, to deal with any aspects of it that are affecting the Criminal Code of Canada.

Some other groups that have written to me are very much concerned about their ability to fundraise, very small groups that are doing lots of good work in their community. For example, I got a letter from Shirley Follick of Dunchurch. I've got a photocopy of her letter, so it's a little hard to read:

"I am very concerned about small rural community clubs (non-profit). We are now unable to raise funds to keep our club open." She goes on: "Please help us to be allowed to raise money with raffles etc. Our craft show is our only way now to cover costs....

"We need help to keep alive with our club, Ardbeg Community Hall."

I missed a few parts of that. But at the bottom of her letter it shows that they're a proud supporter of the Cancer Research Society. So Ardbeg Community Hall is very much negatively affected by the current rules, so they need to be changed.

The Windermere Women's Institute wrote me:

"This letter is to express our frustration and disappointment with our communications with the Alcohol and Gaming Commission. We have been deemed ineligible for lottery licensing. Our frustration comes from the fact that several women's institute branches in the province of Ontario, as well as our head office, the Federated Women's Institute of Ontario ... have been able to obtain lottery licences. We are questioning the inconsistencies of the Alcohol and Gaming Commission's rationale for granting or denying licences.

"It has been the practice of the Windermere Women's Institute for many years to make a quilt annually and raffle it off." These aren't major criminal organizations we need to worry about. They're selling tickets for a quilt and the money's going into the community. Surely this should be allowed. "The money raised allows us to make sizable donations to organizations to such charities and organizations as the Canadian Cancer Society, Manna Food Bank, Interval House, Watt school breakfast program and the Heart and Stroke Foundation to name a few. In addition, we were especially proud to be able to donate \$1,000 each to the Huntsville District Memorial Hospital and the South Muskoka Memorial Hospital last year. However, because we are no longer able to raffle



off our quilts, our ability to donate to these charities and organizations has been severely curtailed. Living in a rural community limits our ways to raise money; therefore, we relied on our quilts to do so. The gaming commission has very effectively denied us the pleasure of being charitable."

The rules need to be changed. They should be changed in this bill so that these small organizations can raise money to put back into the community for these very worthwhile different projects.

The Literacy Society of South Muskoka wrote to me:

"Dear Norm:

"As one of the past recipients of funds from the Windermere Women's Institute, I was very disappointed that they were denied the lottery licence from the Alcohol and Gaming Commission. Consequently, I have written a letter to Mr. McGuinty on their behalf and enclosed a copy for your information."

The government's shutting down these small organizations that are trying to do good in their community, and I really wonder why. I hope the government, when they're holding extensive public hearings on Bill 152, will look at this issue that's very important for rural Ontario and for all these groups that are fundraising for lots of worthwhile purposes. I'm sure there are some members in the government caucus who are probably hearing from organizations as well, from groups that very much need to be able to do community fundraising.

I think I'm almost out of time. I wanted to talk a bit about ServiceOntario. ServiceOntario, which does offer some good services, is being expanded, but at the expense, I would say, of some government services that should still be protected and provided for. For example, this spring the Ministry of Natural Resources closed the Bracebridge Ministry of Natural Resources office to the public. They've made it so that the public now has to go to the ServiceOntario office in Huntsville, but there are some services that cannot be provided by ServiceOntario.

I note that I received a copy of a letter from Ken Veitch of Bracebridge that was written to David Ramsay.

He's the chair of the Parry Sound-Muskoka Stewardship Network. He notes:

"As volunteer members representing over 1.5 million hectares of forested land in the heart of Ontario's vacation land, we do, however, personally want to express our concern over the restriction of ready access to your ministry offices in our area to the public. While we are aware of the ability of the public being able to meet with ministry staff by appointment, the ready access at your offices is vitally important to our area. A large percentage of our population is seasonal and have no chance to become aware of local requirements to access your staff.

"With the threats presently before us, such as Asian longhorn beetle, emerald ash borer, beech bark disease, over-harvesting, etc., we feel it is essential that we have ready access to your professional staff, scientists, etc., in order that we may be better prepared to thwart any potential disaster in our lakes, rivers and forests.

"Ontario's tourism economy and our forest industry could be seriously threatened by such a catastrophic event. We congratulate your ministry on moving to require certified forests designations for Ontario's crown forests, but reducing ready public access to your ministry offices could interfere with that worthy objective by removing the essential dissemination of knowledge of the forest needs provided by your capable staff.

"We urgently ask that your ministry reconsider this matter and that your offices in our area be reopened immediately to serve the public, as they have so credibly in the past."

That was written May 15. Unfortunately, the office was not reopened, so now those vital services are not being provided. The bureaucrats are hidden away in the office, cutting off access to the public.

I see the Speaker rising. I think, being past 9:30, that it's time—

**The Acting Speaker:** The time now being 9:30 of the clock, this House stands adjourned until tomorrow at 1:30.

*The House adjourned at 2132.*

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### **Regulations and private bills / Règlements et projets de loi d'intérêt privé**

Chair / Présidente: Andrea Horwath  
Vice-Chair / Vice-Président: Vacant  
Gilles Bisson, Kim Craiton, Andrea Horwath,  
Dave Levac, Gerry Martiniuk, Bill Murdoch,  
Khalil Ramal, Mario Sergio  
Clerk / Greffière: Susan Sourial

### **Social Policy / Politique sociale**

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Vice-Chair / Vice-Président: Khalil Ramal  
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Kuldip Kular, Jeff Leal,  
Rosario Marchese, John O'Toole,  
Shafiq Qaadri, Khalil Ramal, Kathleen O.Wynne  
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### **Electoral reform / Réforme électorale**

Chair / Présidente: Caroline Di Cocco  
Vice-Chair / Vice-Président: Norm Miller  
Wayne Arthurs, Caroline Di Cocco,  
Kuldip Kular, Norm Miller, Richard Patten,  
Michael Prue, Monique M. Smith,  
Norman W. Sterling, Kathleen O.Wynne  
Clerk / Greffière: Anne Stokes



## CONTENTS

**Monday 30 October 2006**

### SECOND READINGS

#### **Ministry of Government Services**

##### **Consumer Protection and Service Modernization Act, 2006, Bill 152,**

*Mr. Phillips*

Mr. Kormos .....5875, 5880, 5887  
5888, 5891

Mr. Ramal .....5879, 5881, 5883

Mr. O'Toole ..... 5879

Ms. Horwath.....5880, 5883, 5887  
5888, 5892, 5895

Mr. Leal..... 5880, 5892

Mrs. Elliott ...5882, 5884, 5888, 5891  
5895

Mr. Ruprecht .....5883, 5887, 5895

Mr. Tascona..... 5883

Mrs. Munro ..... 5887, 5894

Mr. Watson.....5891, 5892, 5895

Mr. Miller..... 5896

Debate deemed adjourned ..... 5898

## TABLE DES MATIÈRES

**Lundi 30 octobre 2006**

### DEUXIÈME LECTURE

#### **Loi de 2006 du ministère des Services gouvernementaux sur la modernisation des services et de la protection du**

**consommateur, projet de loi 152,**

*M. Phillips*

Débat présumé ajourné..... 5898











